

THE
STATUTES IN FORCE
RELATING TO THE
POOR,
PAROCHIAL UNIONS, AND PARISHES,
(20 VICT. C. 19 TO 26 AND 27 VICT. C. 125.)

TOGETHER WITH
A Synopsis of the Decisions of the Superior Courts on the Subject of the
Poor Laws during the years 1857 to 1863.
(FORMING THE SECOND VOLUME OF GLEN'S POOR LAW STATUTES.)

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TO
THE RIGHT HONOURABLE
THE EARL OF DEVON,

TO WHOM, AS
SECRETARY TO THE POOR LAW BOARD,
THE FIRST VOLUME OF THIS WORK WAS DEDICATED,

This Volume is also Dedicated,

WITH HIS LORDSHIP'S PERMISSION,

BY HIS FAITHFUL SERVANT,

W. CUNNINGHAM GLEN.

PREFACE.

THE Poor Law Commissioners, in their Report to the Marquis of Normanby, Secretary of State for the Home Department, on the continuance of the Poor Law Commission, and on some further amendments of the laws relating to the relief of the poor, stated:—

“We had, indeed, wished to be able to submit to your Lordship a digest of the various Acts relating to the relief of the poor, similar to the digests of the Revenue Laws, and of several branches of the Criminal Law, which have been prepared by the Government and approved of by Parliament. It appears to us that a consolidation of the various Acts relating to the relief of the poor would be a work of eminent utility; inasmuch as the numerous authorities,—Boards of Guardians, Overseers, Auditors, and Justices of the Peace,—who now administer these Acts, can scarcely be expected to possess sufficient leisure to become acquainted with their numerous provisions, and with the multitude of judicial decisions by which they have been interpreted and applied.”

The Commissioners, however, thought that the time had not then arrived when such a consolidation could be attempted with the best prospect of success, though they expressed themselves ready to undertake it whenever a fit season should present itself.

No steps having been taken by the Poor Law Commissioners to compile a digest of the Poor Laws with a view to the passing of a Consolidated Statute, I undertook, unaided, in the year 1856, the laborious task of collecting in one volume, in chronological order, the Statutes then in force bearing on the administration of the Poor Laws, with

references to the decided cases upon each Statute ; and I incorporated with them, in the same order, the Statutes which cast any obligation or duty foreign to the subject of Poor Laws upon Boards of Guardians, Overseers of the Poor, and Union or Parish Officers. Since the publication of that volume I have from time to time carefully noted every new Statute which has passed, and which in any way affected any of these authorities, and also every decision of the Superior Courts on the subject of the Poor Laws. Those Statutes and decisions form the subject of the present volume.

The two volumes, taken together, constitute for all practical purposes a consolidation of the various Statutes relating to the relief of the poor, arranged in the chronological order of the several enactments (which, in an historical point of view, is, I think, a matter of considerable importance), with the additional advantage of being in like manner a consolidation of all enactments now in force affecting Guardians of the Poor, and Union and Parish Officers.

The experience which I have acquired during the long series of years in which I have been actively employed in Poor Law matters, enables me to say that the work which I have completed up to the present time, and which I now present to my readers, is one which is indispensable to all who are engaged in the administration of the Poor Laws.

The Index to the present volume embraces both the Statutes and Cases ; and I have made it so very full that I scarcely think that any one consulting it, can fail at once to find the subject of which he is in search.

W. C. G.

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THE POOR LAW BOARD ORDERS.

By W. CUNNINGHAM GLEN, Esq.,
BARRISTER-AT-LAW.

FIFTH EDITION.

THE
CONSOLIDATED AND OTHER ORDERS
OF THE
Poor Law Commissioners and Poor Law Board
TO THE PRESENT TIME.
TOGETHER WITH
THE GENERAL ORDERS RELATING TO
Poor Law Accounts.
With Explanatory Notes, Statutes, Cases, and Index.

STATUTES

RELATING TO THE

POOR, PAROCHIAL UNIONS, AND PARISHES.

20 VICT. CAP. 19.

AN ACT to provide for the Relief of the Poor in Extra-parochial Places. [21st March, 1857.]

WHEREAS it is desirable that provisions should be made for the relief of the poor in extra-parochial places: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. After the thirty-first day of December, one thousand eight hundred and fifty-seven, every place entered separately in the report of the registrar-general on the last census, which now is or is reputed to be extra-parochial, and wherein no rate is levied for the relief of the poor, shall for all the purposes of the assessment to the poor rate, the relief of the poor, the county, police,² or borough rate,³ the burial of the dead, the removal of nuisances,⁵ the registration of parliamentary and municipal voters, and the registration of births and deaths,⁶ be deemed a parish for such purposes, and shall be designated by the name which is assigned to it in such report; and the justices of the peace having jurisdiction over such place or over the greater part thereof shall appoint overseers of the poor therein;⁷ and with respect to any other place being or reputed to be extra-parochial, and wherein no rate is levied for the relief of the poor, such justices may appoint overseers of the poor therein, notwithstanding anything contained in the hun-

All extra-parochial places, where no poor rate is levied, to be deemed parishes for relief of the poor, &c., and justices, having jurisdiction, to appoint overseers.

¹ That is, for 1851.

² See 15 & 16 Vict. c. 81.

³ See 5 & 6 Will. 4, c. 76.

⁴ See 7 & 8 Vict. c. 101, s. 31, and Glen's Burial Board Acts.

⁵ See 18 & 19 Vict. c. 121, *post*, and 23 & 24 Vict. c. 77, *post*.

⁶ See 1 Vict. c. 22, s. 9, and note thereon; also 25 and 26 Vict. c. 61, s. 32, as to highways.

⁷ See 43 Eliz. c. 2, s. 1.

dred and first chapter of the statute passed in the session of parliament of the seventh and eighth years of Her present Majesty.¹

One overseer only may be appointed by the justices.

II. If in any extra-parochial place it shall appear to the justices that two overseers cannot conveniently be appointed from the inhabitant householders thereof, or are not required for such place, such justices may appoint one only; and if it shall appear to them that there is no such householder liable or fit to be appointed, they shall appoint some inhabitant householder of an adjoining parish willing to serve to be such overseer, either with or without an annual salary, such salary, if any, to be approved of by the poor law board, and to be paid out of the poor rate of such place; and such last-mentioned appointment shall endure until the usual time of the appointment of overseers, and may be renewed from year to year as long as the justices shall find necessary.

Provision for the inns of court.

III. In each of the places termed the Inner Temple,² the Middle Temple,³ and Gray's Inn², the officer for the time being acting as the under treasurer of such inn of court, and in the place termed Charterhouse, London, the registrar shall be the overseer of such place; and in default of any such officer, the justices having jurisdiction in such inns or place respectively shall appoint some inhabitant householder therein to be the overseer thereof for the then current year, and thenceforth from year to year so long as the office of under treasurer or registrar shall be vacant; provided that such places shall not be liable to be added to any union or other district for the purposes aforesaid.

Justices at the quarter sessions may, upon application, and with consent, annex any extra-parochial place to an adjoining parish.

IV. If the owners and occupiers respectively of the land comprised in any extra-parochial place owning and occupying two thirds in value at least of such land shall express their desire in writing, signed by such major part, that such place be comprised in or annexed to any parish for the purposes aforesaid,³ and such parish shall consent thereto, such consent to be expressed by a resolution of the vestry, after due notice,⁴ the justices of the peace in quarter sessions assembled, or the recorder of the borough if such place be situated within a borough subject to the jurisdiction of a recorder, may make an order for the annexation of such place to such parish, and thenceforth the same shall be deemed to be part of the said parish for all such purposes.

Overseers may act as guardians until there shall be rate-

V. If any such place should be added to any union⁵ the overseer or overseers thereof shall act as the guardian or guardians of such place at the board of guardians of such union until there shall be ratepayers thereof qualified to elect a guar-

¹ See 7 & 8 Vict. c. 101, s. 22, *post*.

² See 25 & 26 Vict. c. 102, s. 12, as to main drainage rate.

³ See 25 & 26 Vict. c. 61, s. 32, as to highways.

⁴ See 58 Geo. 3, c. 69, s. 1; 59 Geo. 3, c. 85, and 1 Vict. c. 45.

⁵ See 4 & 5 Will. 4, c. 76, ss. 26, 32, and 7 & 8 Vict. c. 101, s. 66.

dian;¹ provided that if the poor law board should direct one payer qualified to elect guardian only to be appointed for any such place, and there shall be two overseers appointed for the same, the overseer first appointed, or whose name shall stand first in the warrant of appointment, shall act as such guardian, and in the case of his decease or incapacity during the year of office the other overseer shall thenceforth act as such guardian; provided also, that no such paid overseer as aforesaid shall be authorized to act as a guardian.

VI. The overseers or overseer appointed under the authority of this Act shall have all the powers, authorities, privileges, &c. of overseers extended to overseers appointed under this Act. exemptions, and protections which overseers now or hereafter shall possess, and shall be subject to all the obligations, responsibilities, penalties, and consequences which overseers are now or may hereafter be liable to.

VII. Provided, that nothing above contained shall apply to Certain places any extra-parochial place in respect whereof there shall be any excepted. agreement with any parish as to the liability of such place to contribute to the poor rate of such parish contained in any Act of Parliament.²

VIII. Where there is any extra-parochial place contained in Provision for or adjoining to any district comprising any parish or parishes, extra-parochial places the authority of a local Act, the poor law board may, with the adjoining districts acting under local consent of the occupiers and owners of two thirds in value of the land comprised in such place, and with the consent of the Acts. guardians acting in that district, by order direct such place to be added, for the purposes of administration of relief to the poor, to such district, upon such conditions and subject to such provisions and regulations as shall appear to them to be necessary for such purposes.

XI. The words used in this Act shall be construed in the Terms used in like manner as in the seventy-sixth chapter of the statute this Act to be passed in the fourth and fifth years of King William the construed as Fourth;³ and the provisions contained therein, and in the in 4 & 5 Will. subsequent Acts explaining and extending the same, and not 4, c. 76, &c. repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

¹ See Glen's Poor Law Board Orders, 4th and 5th editions.

² See 10 & 11 Vict. c. cxxi. as to Lincoln's Inn.

³ See 4 & 5 Will 4, c. 76, s. 109.

20 & 21 VICT. CAP. 13.

AN ACT to facilitate the procuring of Sites for Work-houses in certain Cases. [13th July, 1857.]

5 & 6 Will. 4,
c. 69.

WHEREAS it is provided by the Act of the fifth and sixth years of King William the Fourth, chapter sixty-nine,¹ that any ecclesiastical corporation sole may dispose of, by way of absolute sale or in exchange for any messuages, lands, or other hereditaments, any lands or buildings for the purpose of the same being used as or converted into a workhouse, or of being occupied with a workhouse, or for any other purpose relating to the relief of the poor which the poor law commissioners might approve of, and to convey the same, and the fee simple and inheritance thereof, unto the guardians of any union or parish, or their successors, and to accept from and give to such guardians any moneys by way of equality of exchange: And whereas difficulty has arisen in carrying this provision into execution where the person who constitutes any ecclesiastical corporation sole is insane, and it is expedient to provide a remedy for such cases: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Provision for
the acquisition
of sites for a
workhouse,
when the land
belongs to an
ecclesiastical
corporation
sole unsound
in mind.

1. If the guardians of any union or parish, or the managers of any school district,² shall be desirous of purchasing or of exchanging for the purposes mentioned in the said Act, or in any Act incorporated therewith or extending or explaining the same, any land or building belonging to any ecclesiastical corporation sole, and the person for the time being entitled to such land or building by virtue of his office shall be found upon a commission issued by the lord chancellor intrusted as in the Act of the sixteenth and seventeenth years of the reign of Her Majesty, chapter seventy, to be insane, it shall be competent for such guardians or managers to petition the said lord chancellor, intrusted as aforesaid, for leave to purchase or exchange any such land or buildings so belonging to such corporation sole, and upon such petition the said lord chancellor may make such order as shall seem to him to be proper; and if he shall see fit to authorize the sale or exchange of any land or building, the same shall on behalf of such corporation sole be conveyed to or received in exchange from such guardians or managers, as the case may be (with the consent of the ordinary having jurisdiction over such corporation sole, and with such further consents if necessary as are hereinafter mentioned), by such

¹ See 5 & 6 Will. 4, c. 69, s. 1.

² See 7 & 8 Vict. c. 101, s. 45.

person as the said lord chancellor shall by order appoint, and the purchase money or the money to be received for equality of exchange on behalf of such corporation sole shall (except as hereinafter mentioned) be paid into the Bank of England, in the name and with the privity of the accountant-general of the Court of Chancery, to be placed to his account to the credit of the said corporation sole, and thenceforth all proceedings authorized by the second section of the said hereinbefore first-mentioned Act shall be applicable to such sum of money paid to the account of the said accountant-general.

II. Provided nevertheless, That if the said corporation sole shall be the incumbent of any benefice, the consent of the patron of the said benefice shall be necessary to perfect and complete such sale or exchange as aforesaid, and if the said land or building so to be sold or exchanged as aforesaid or any part thereof shall have been purchased by the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, or have been otherwise appropriated or annexed by or with the consent, concurrence, or direction of the said governors to the said benefice for the augmentation thereof, the consent of the said governors shall be necessary to perfect and complete such sale or exchange as aforesaid; and in either of such cases the said purchase money, or the money to be received for equality of exchange as aforesaid, shall be paid to the said governors, and the receipt of the treasurer for the time being of the said governors shall be sufficient discharge for the said moneys, or for so much thereof as in such receipt shall be expressed to be received; and all the moneys to arise from such purchase or exchange as aforesaid shall (subject to any stipulation or agreement which the said governors in their discretion may think proper to make for payment thereof of the costs and expenses of such sale or exchange) be appropriated by the said governors to the particular benefice to which the said land or building comprised in such sale or exchange shall have previously belonged, and shall be applicable and disposable by them, for the benefit and augmentation of such benefice, in such and the same manner, and with such and the same powers of investment and other powers or authorities in all respects according to the rules and regulations of the said governors for the time being, as if the said moneys or the stocks or funds which might be purchased therewith were then originally appropriated by the said governors to such benefice out of the general funds and profits of the said governors or otherwise for the benefit and augmentation thereof.

III. Until the said purchase money or the money so to be paid for equality of exchange as aforesaid shall have been reinvested in the purchase of land, tithes, or other hereditaments for the benefit of the said corporation sole, the interest, dividends, or annual income from time to time accruing thereon shall be applied in like manner as the rents and profits of the

Certain consents to be obtained to the acquisition.

Application of purchase money.

Application of dividends or annual income until investment.

land or building so purchased or exchanged would have been applicable if the same land or building had not been purchased or exchanged, and the said lord chancellor may make such order or orders from time to time as may be requisite for the purpose of such application.

How consent
of patron, &c.
to be given.

IV. The consent of the said ordinary, patron, and governors hereby required shall be testified by the said ordinary, patron, and governors respectively executing the deed or other assurance by which the land or building sold or exchanged shall be conveyed or assured, except that in the case of any land or building of copyhold or customary tenure which shall be conveyed or assured by surrender such consent shall be testified by any writing under the corporate seal, or the hand and seal, as the case may be, of each of the consenting parties, which writing, if produced to the lord or steward of the manor of which the said land or building shall be holden, shall be a sufficient authority to such lord or steward for accepting from the person so appointed or ordered to convey as aforesaid a surrender of the same land and building, and such writing shall be entered, with the surrender, upon the court rolls of the said manor.

Provision
where the
right of pa-
tronage is in
the Crown, the
Duke of Corn-
wall, or in
persons under
disability.

V. In any case where upon the sale of any such land or building as aforesaid belonging to any benefice the patronage of the said benefice shall be in the Crown, or the advowson and right of patronage of such benefice shall be part of the possessions of the Duchy of Cornwall, or the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, the consent required by this Act on the part of the patron of such benefice shall be testified by the execution of such deed or assurance or other writing as aforesaid by such and the same persons as by the Act of Parliament passed in the session holden in the first and second years of the reign of Her present Majesty, chapter twenty-three, intituled "An Act to amend the Law for providing fit Houses for the Beneficed Clergy," are in like cases directed or authorized to testify the consent of the patron to the exercise of the several powers given by the said last-mentioned Act, or by certain other Acts therein mentioned or referred to, and in all other cases the consent required by this Act on the part of the patron of any benefice shall be given by the person or persons who would be entitled to present, nominate, or collate to such benefice in case the same were actually vacant at the time of giving such consent.

Interpretation
of the word
"benefice."

VI. In the construction of this Act the word "benefice" shall be taken to extend to and comprise all rectories with cure of souls, vicarages, perpetual curacies, and chapelries the incumbents of which respectively shall in right thereof be corporations sole.

*Provisions of
7 Will. 4, and
1 Vict. c. 50,
and interpre-
tation of terms

VII. The provisions of the Act of the first year of the reign of Her present Majesty, chapter fifty, shall be applicable to this Act, and the several terms herein used shall be construed as in the one hundred and ninth section of the Act of the

fourth and fifth William the Fourth, chapter seventy-six, and in 4 & 5 Will. as in the Act of the sixteenth and seventeenth years of Her 4. c. 76, and present Majesty, chapter seventy¹ respectively. 16 & 17 Vict. c. 70, to apply.

20 & 21 VICT. CAP. 31.

AN ACT to amend and explain the Inclosure Acts.

[10th August, 1857.]

WHEREAS it is expedient that "The Acts for the Inclosure, Exchange, and Improvement of Land" should be further amended and extended: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

* * * * *

XII. And whereas it is expedient to provide summary means of preventing nuisances in town greens and village greens, and on land allotted and awarded upon any inclosure under the said Acts as a place for exercise and recreation: If any person wilfully cause any injury or damage to any fence of any such town or village green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before two justices, upon the information of any churchwarden or overseer of the parish in which such town or village green or land is situate, or of the person in whom the soil of such town or village green or land may be vested, forfeit and pay, in any of the cases aforesaid, and for each and every such offence, over and above the damages occasioned thereby, any sum not exceeding forty shillings; and it shall be lawful for any such churchwarden or overseer, or other person as aforesaid, to sell and dispose of any such manure, soil, ashes, and rubbish, or other matter or thing as aforesaid; and the proceeds arising from the sale thereof, and every such penalty as aforesaid, shall, as regards any such town or village green not awarded under the said Acts or any of them to be used as a place for exercise and recreation, be applied in aid of the rates for the repair of the public highways in the parish, and shall, as regards the land so awarded, be applied by the persons or person in whom the soil thereof may

¹ See 16 & 17 Vict. c. 70, s. 2.

be vested in the due maintenance of such land as a place for exercise and recreation; and if any manure, soil, ashes, or rubbish be not of sufficient value to defray the expense of removing the same, the person who laid or deposited such manure, soil, ashes, or rubbish shall repay to such churchwarden or overseer, or other person as aforesaid, the money necessarily expended in the removal thereof; and every such penalty as aforesaid shall be recovered in manner provided by the Act of the session holden in the eleventh and twelfth years of Her Majesty, chapter forty-three;¹ and the amount of damage occasioned by any such offence as aforesaid shall, in case of dispute, be determined by the justices by whom the offender is convicted; and the payment of the amount of such damage, and the repayments of the money necessarily expended in the removal of any manure, soil, ashes, or rubbish, shall be enforced in like manner as any such penalty.

20 & 21 VICT. CAP. 35.²

AN ACT to amend an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Laws concerning the Burial of the Dead in the Metropolis, so far as relates to the City of London and the Liberties thereof." [10th August, 1857.]

15 & 16 Vict.
c. 85.

WHEREAS an Act was passed in the session of Parliament holden in the fifteenth and sixteenth years of the reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Laws concerning the Burial of the Dead in the Metropolis," containing provisions for the appointment of burial boards in the several parishes in the metropolis, and conferring on such burial boards various powers and authorities to be exercised in some cases by the board alone, and in other cases by the boards with the approval of the vestries of their respective parishes: And whereas it was by the said Act enacted, that the provisions therein contained for the appointment of burial boards should not apply to any parish within the limits of the city of London, and the liberties thereof, but it should be lawful for the mayor, aldermen, and commons of the city of London, in common council assembled, if and when they should see fit so to do, to authorize and direct the commis-

¹ See in Jervis's Acts by Glen, 2nd edition, the 11 & 12 Vict. c. 43; also Glen's Magistrates' Assistant, 5th edition, and Glen's Law of Pub-

lic Health and Local Government, 2nd edition.

² With reference to this Act see Glen's Burial Acts.

sioners of sewers of the city of London to exercise for the said city and liberties all the powers and authorities vested in the burial boards under the said Act; and thereupon such commissioners should have and exercise for and on behalf of the said city and liberties, all such powers and authorities as were thereby vested in the burial board for any parish, or which might be exercised by such board with the approval of the vestry: And whereas the commissioners of sewers of the city of London have been authorized by the said mayor, aldermen, and commons, in common council assembled, to exercise the powers and authorities vested in the burial boards under the said Act, and have provided and constructed a large and spacious cemetery in the parish of Little Ilford, in the county of Essex, at an expense of seventy-five thousand pounds: And whereas there are more than one hundred parishes within the city of London, and the liberties thereof, and it has been found impracticable to obtain the requisite consents of all the vestries of such parishes to the uniform exercise of such powers or authorities by the said commissioners: And whereas under the provisions contained in the thirty-seventh section of the said Act (by which section power is given to the vestry of any parish, with consent of the bishop of the diocese, to revise and vary the fees payable to the incumbent under the provisions of the said Act,) a table of fees to be paid to incumbents upon interments which shall take place in the consecrated portion of the said cemetery at Little Ilford has been agreed to by the major part in number of the vestries of the parishes within the city of London and the liberties thereof, which table of fees has been approved of by the bishop of the diocese, and is contained in the schedule to this Act: And whereas it is expedient that the table of fees so agreed to should be made to apply to the whole of the parishes within the city of London and the liberties thereof, and that the said Act should be amended by making the consent or approval of the major part in number of the vestries of the several parishes within the city of London and the liberties thereof, sufficient to enable the commissioners of sewers of the city of London to exercise any power or authority conferred upon them by the said Act, which requires for the exercise thereof the approval or consent of all the vestries of such parishes; and also that the said Act should be amended in manner hereinafter mentioned: And whereas the purposes aforesaid cannot be effected without the authority of parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. The fees enumerated in the schedule to this Act shall be the fees in the fees which the incumbents of the parishes within the city schedule to be

the fees payable to incumbents.

of London and the liberties thereof shall be entitled to receive upon all interments in the consecrated portion of the said cemetery at Little Ilford, whether of the remains of parishioners¹ or inhabitants¹ of the said parishes, or of any other persons, and the same fees shall be in satisfaction of all claims on the part of such incumbents to fees of every description, whether in respect of burial in vaults or graves, or of the erection of monuments, gravestones, or tablets, or of the monumental inscriptions in the said cemetery.

Approval of a majority of vestries in the city of London to be sufficient.

II. When and as often as the consent or approval of the vestries of the several parishes within the limits of the city of London and the liberties thereof is by the said recited Act required² for the purpose of "enabling the commissioners of sewers of the city of London to exercise any power or authority, given to or vested in them by the said Act, or to execute any act, deed, matter, or thing under the authority of the said Act, or to confirm or render valid any act, deed, matter, or thing made or done, or agreed or proposed to be made or done, by the said commissioners, then and in every case the consent or approval of the major part in number of the vestries of the several parishes within the said city and liberties shall be sufficient to enable the said commissioners to exercise any such power or authority, or to do or execute any such act, deed, matter, or thing as aforesaid, and to confirm and render valid any act, deed, matter, or thing made or done, or agreed or proposed to be made or done, by them, and shall be as valid and effectual for all the purposes of the said Act, as if all the vestries of the said parishes within the city of London and the liberties thereof had actually consented to or approved thereof, or had confirmed the same: Provided that the parishes united under the provisions of the Act of the twenty-second year of Charles the Second, chapter eleven, or united for ecclesiastical purposes by the provisions of that, or any other Act or Acts, shall, for the purposes of this Act and the said recited Act, be and be deemed one parish.

Certain sections in recited Act repealed as to the city of London.

III. The provisions in the said recited Act contained with reference to fees payable to incumbents, churchwardens, and others for parochial or other purposes, and also with reference to the powers given to vestries of revising and varying, with the consent of the bishop, the fees payable to incumbents, clerks, and sextons, or of substituting fixed payments in lieu thereof, which provisions are comprised in the thirty-second, thirty-third, thirty-fifth, thirty-sixth, thirty-seventh, and fiftieth sections of the said Act, shall not apply to parishes situated within the city of London or the liberties thereof.

Commissioners, acting the

IV. It shall be lawful for the commissioners of sewers of London, acting as burial board for the several

¹ See s. 8, post.

² See 15 & 16 Vict. c. 85, ss. 10, 11, 12, 19, 20, 23, 26, 28, 29, 37, and 42.

parishes within the city and the liberties thereof, with the approval of the major part in number of the vestries of such parishes, to settle and determine whether any and what fees shall be payable to the churchwardens or to the clerk or sexton of any parish within the city of London or the liberties thereof, or to any trustees or other persons for any parochial or other purpose whatever, on any interment, or for any monument, gravestone, tablet, or monumental inscription in any burial ground already provided or which may hereafter be provided by the said commissioners in pursuance of the powers contained in the said Act, and such fees (if any) as shall be so settled and determined shall be paid to the commissioners, and shall be paid over by them to the parties for the time being entitled to receive the same.¹

V. All fees payable under the provisions of this Act to incumbents of parishes within the city of London and the liberties thereof, shall be paid by the commissioners of sewers of the city of London, by quarterly payments in each year, to such person or persons as shall by such incumbents, or the major part of them, be appointed from time to time to receive the same, and such fees shall be applied according to a scheme to be agreed upon by such incumbents, or the major part of them, with the consent of the bishop of the diocese.

VI. It shall be lawful for the said commissioners, subject and without prejudice to the fees payable to incumbents under the provisions of this Act, and subject to the approval required by the seventh section of the Act of eighteenth and nineteenth Victoria, chapter one hundred and twenty-eight,² to settle a scale of fees for the burial in the cemetery at Little Ilford aforesaid of persons not residing within the city of London or the liberties thereof, and from time to time to revise and vary the same.

VII. The chaplain or chaplains who for the time being shall have been, or shall hereafter be appointed under the thirtieth section of the said recited Act, by the incumbents of the parishes within the city of London and the liberties thereof, for the performance of burials in the consecrated part of the said cemetery, shall conform to all such regulations of the commissioners of sewers for the city of London as shall not interfere with the performance of the funeral service according to the order of the United Church of England and Ireland.

VIII. In this Act and in the said recited Act, so far as the same applies to the city of London and the liberties thereof, the words "parishioner" or "inhabitant" shall mean a person inhabiting a house or dying in one of the parishes in the city of London or the liberties thereof; and when such house shall

as burial board, with the approval of the major part of the vestries, to settle fees payable to churchwardens, &c.

Fees to be paid by the commissioners.

Commissioners to settle fees for burial of persons not residing in London.

Chaplains of cemetery to conform to regulations of commissioners.

Interpretation of terms.

¹ This section is in substitution of s. 36, of 15 & 16 Vict. c. 85, repealed by s. 3 of this Act, as to the city of

London.

² See 15 and 16 Vict. c. 85, s. 34, and 18 and 19 Vict. c. 128, s. 7.

be situated in more than one parish, the parish in which the greater part of such house is situated, shall be deemed to be the parish of which the person inhabiting the same is a parishioner or inhabitant.¹

Expenses of
Act.

IX. All the costs, charges, and expenses of obtaining and passing this Act shall be defrayed out of the Consolidated Rate authorized to be made by the "City of London Sewers Act, 1848."

THE SCHEDULE.

	£	s.	d.
For each burial in a catacomb in consecrated ground	0	15	0
For each burial in a vault in ditto	0	10	0
For each burial in a brick grave in ditto	0	7	6
For each burial in a private grave in ditto	0	5	0
For each burial in a common grave in ditto	0	2	6
For each burial of a pauper in ditto	0	1	0

20 & 21 VICT. CAP. 43.²

AN ACT to improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace.
[17th August, 1857.]

WHEREAS it is expedient that provision should be made for obtaining the opinion of a superior court on questions of law which arise in the exercise of summary jurisdiction by justices of the peace: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Interpretation
of terms.

I. In the interpretation and for the purposes of this Act, the following words shall have the meaning hereinafter assigned to them; that is to say,

"Superior Courts of Law" shall for England mean the Supreme Courts of Law at Westminster, and for Ireland the Supreme Courts of Law at Dublin.

"Court of Queen's Bench" shall mean for England the Court of Queen's Bench at Westminster, and for Ireland the Court of Queen's Bench at Dublin.

II. After the hearing and determination by a justice or justices of the peace of any information or complaint which he or they have power to determine in a summary way, by any

¹ See 15 & 16 Vict. c. 85, s. 52.

² As regards this statute see Jervis's Acts by Glen, 2nd edition, and the Police Constable's Guide

and Magistrate's Assistant, 5th edition, by the same author, on both of which all the decided cases on this Act are collected.

law now in force or hereafter to be made, either party to the proceeding before the said justice or justices may, if dissatisfied with the said determination as being erroneous in point of law, apply in writing within three days after the same to the said justice or justices, to state and sign a case setting forth the facts and the ground of such determination, for the opinion thereon of one of the superior courts of law to be named by the party applying; and such party, hereinafter called "the appellant," shall, within three days after receiving such case, transmit the same to the court named in his application, first giving notice in writing of such appeal, with a copy of the case, so stated and signed, to the other party to the proceeding in which the determination was given hereinafter called the respondent.

III. The appellant, at the time of making such application, and before a case shall be stated and delivered to him by the justice or justices, shall in every instance enter into a recognizance, before such justice or justices, or any one or more of them, or any other justice exercising the same jurisdiction, with or without surety or sureties, and in such sum as to the justice or justices shall seem meet, conditioned to prosecute without delay such appeal, and to submit to the judgment of the superior court, and pay such costs as may be awarded by the same; and the appellant shall at the same time, and before he shall be entitled to have the case delivered to him, pay to the clerk to the said justice or justices his fees for and in respect of the case and recognizances, and any other fees to which such clerk shall be entitled, which fees, except such as are already provided for by law, shall be according to the schedule to this Act annexed marked (A), until the same shall be ascertained, appointed, and regulated in the manner prescribed by the statute eleventh and twelfth Victoria, chapter forty-three, section thirty; and the appellant, if then in custody, shall be liberated upon the recognizance being further conditioned for his appearance before the same justice or justices, or, if that is impracticable, before some other justice or justices exercising the same jurisdiction who shall be then sitting, within ten days after the judgment of the superior court shall have been given, to abide such judgment, unless the determination appealed against be reversed.

IV. If the justice or justices be of opinion that the application is merely frivolous, but not otherwise, he or they may refuse to state a case, and shall, on the request of the appellant, sign and deliver to him a certificate of such refusal; provided, that the justice or justices shall not refuse to state a case where application for that purpose is made to them by or under the direction of Her Majesty's attorney-general for England or Ireland, as the case may be.

V. Where the justice or justices shall refuse to state a case as aforesaid, it shall be lawful for the appellant to apply to the Court of Queen's Bench upon an affidavit of the facts for a rule calling upon such justice or justices, and also upon the re-

Justices on application of a party aggrieved to state a case for the opinion of superior court.

Security and notice to be given by the appellant.

Justices may refuse a case where they think the application frivolous.

Where the justices refuse, the Court of

Queen's Bench may by rule order a case to be stated.

Superior court to determine the questions on the case.

Its decisions to be final.

Case may be sent back for amendment.

Powers of superior court may be exercised by a judge at chambers.
After the decision of superior court, justices may issue warrants.

Certiorari not to be required for proceedings under this Act.

Superior courts may make rules for proceedings.

"Justices" to

spondent, to show cause why such case should not be stated; and the said court may make the same absolute or discharge it, with or without payment of costs, as to the court shall seem meet, and the justice or justices, upon being served with such rule absolute, shall state a case accordingly, upon the appellant entering into such recognizance as hereinbefore provided.

VI. The court to which a case is transmitted under this Act shall hear and determine the question or questions of law arising thereon, and shall thereupon reverse, affirm, or amend the determination in respect of which the case has been stated, or remit the matter to the justice or justices, with the opinion of the court thereon, or may make such other order in relation to the matter, and may make such orders as to costs as to the court may seem fit; and all such orders shall be final and conclusive on all parties: Provided always, that no justice or justices of the peace who shall state and deliver a case in pursuance of this Act shall be liable to any costs in respect or by reason of such appeal against his or their determination.

VII. The court for the opinion of which a case is stated shall have power, if they think fit, to cause the case to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

VIII. The authority and jurisdiction hereby vested in a superior court for the opinion of which a case is stated under this Act shall and may (subject to any rules and orders of such court in relation thereto) be exercised by a judge of such court sitting in chambers, and as well in vacation as in term time.

IX. After the decision of the superior court in relation to any case stated for their opinion under this Act, the justice or justices in relation to whose determination the case has been stated, or any other justice or justices of the peace exercising the same jurisdiction, shall have the same authority to enforce any conviction or order which may have been affirmed, amended, or made by such superior court, as the justice or justices who originally decided the case would have had to enforce his or their determination if the same had not been appealed against; and no action or proceeding whatsoever shall be commenced or had against the justice or justices for enforcing such conviction or order, by reason of any defect in the same respectively.

X. No writ of certiorari or other writ shall be required for the removal of any conviction, order, or other determination in relation to which a case is stated under this Act, or otherwise, for obtaining the judgment or determination of the superior court on such case under this Act.

XI. The superior courts of law may from time to time, and as often as they shall see occasion, make and alter rules and orders to regulate the practice and proceedings in reference to the cases hereinbefore mentioned.

XII. The words "justice or justices" in this Act shall

include a magistrate of the police courts of the metropolis and include a stipendiary magistrate.

XIII. In all cases where the conditions, or any of them, in the said recognizance mentioned, shall not have been complied with, the justice or justices who shall have taken the same, or any other justice or justices, shall certify upon the back of the recognizance in what respect the conditions thereof have not been observed, and transmit the same to the clerk of the peace of the county, riding, division, liberty, city, borough, or place within which such recognizance shall have been taken, to be proceeded upon in like manner as other recognizances forfeited at quarter sessions may now by law be enforced; and such certificate shall be deemed sufficient *prima facie* evidence of the said recognizance having been forfeited: Provided, that where any such recognizances shall have been taken in England before a magistrate of the police courts of the metropolis, or by any stipendiary magistrate, all sums of money in which any person or persons shall be therein bound may, if the said magistrate shall think fit, be levied, upon such recognizance being forfeited, and on nonpayment thereof, together with the costs of the proceedings to enforce such payment, in the same manner as a police magistrate of the metropolis is now empowered to recover any penalty, forfeiture, or sum of money, by section forty-five of an Act passed in the second and third years of the reign of Her present Majesty, intituled "An Act 2 & 3 Vict. c. for regulating the Police Courts in the Metropolis," and that all 71, s. 45. and every the provisions and enactments contained in the said section forty-five shall extend to and be applicable to this Act, in as ample a manner as if they had been herein re-enacted and made part of the same.

XIV. Any person who shall appeal under the provisions of Appellants this Act against any determination of a justice or justices of the peace from which he is by law entitled to appeal to the quarter sessions shall be taken to have abandoned such last-mentioned right of appeal, finally and conclusively, and to all intents and purposes.

XV. This Act shall not extend to Scotland.

Extent of Act.

SCHEDULE (A.)

FEES to be taken by CLERKS to JUSTICES.

	s.	d.
For drawing case and copy where the case does not exceed five folios of ninety words each	10	0
Where the case exceeds five folios, then for every additional folio	1	0
For the recognizance to be taken in pursuance of the Act	5	0
For every enlargement or renewal thereof	2	6
For certificate of refusal of case	2	0

20 & 21 VICT. CAP. 50.

AN ACT to amend the Acts concerning Municipal Corporations in England. [17th August, 1857.]

* * * * *

In boroughs consisting of more than one parish, in case the burgess roll for any parish not made out in any year, previous burgess roll to continue in force for such parish.

VI. Whereas by an Act passed in the session holden in the seventh year of King William the Fourth and the first year of Her Majesty, chapter seventy-eight, "to amend an Act for the Regulation of Municipal Corporations in England and Wales," it was enacted, that in every borough in which by reason of any neglect or informality a new burgess roll of the said borough shall not have been made in any year within the time directed by the said Act for the regulation of municipal corporations, the burgess roll which was in force before the time appointed for the revision shall continue in force until such new burgess roll shall have been duly made: And whereas the said recited enactment applies only to any borough in which a new burgess roll shall not have been made as therein mentioned: And whereas it is expedient to provide as to any borough consisting of more parishes than one, wholly or in part within any borough in which a new burgess roll shall have been made out, but in which the burgess list or lists of one or more of such parishes wholly or in part within such borough shall have been omitted: Be it enacted, that in every borough consisting of more parishes than one wholly or in part within such borough in which by reason of any neglect or informality a burgess list of any parish or of parts of any parish within such borough shall not have been made out in any year, or in case such burgess list shall not have been revised as required by the said Act for the regulation of municipal corporations, so much of the burgess roll which was in force before the time appointed for the revision as contains the names of the burgesses entitled to vote in respect of property within such parish or part of parish shall continue in force, and be taken to be the list of burgesses entitled to vote in respect of such property until a burgess list for such parish or part of parish shall have been revised and become part of the burgess roll.

Overseers of the poor to make out burgess roll on or before first day of September in every year.

VII. Whereas by the fifteenth section of the Act to provide for the regulation of municipal corporations in England and Wales,¹ it was enacted, that on the fifth day of September in every year the overseers of the poor of every parish wholly or in part within any borough shall make out a list, to be called "The Burgess List," according to the provisions therein contained, and shall deliver the same to the town clerk of the

¹ See 5 & 6 Will. 4, c. 76, s. 15.

borough on the said fifth day of September in every year, and shall keep a true copy of such lists, to be perused without payment of any fee at all reasonable hours between the fifth and fifteenth days of September in every year, and that the town clerk shall forthwith cause copies of all overseers' lists so delivered to him to be printed, and shall cause a copy of all such lists to be published as therein provided on every day during the week next preceding the fifteenth day of September in every year: And whereas it has been found in populous boroughs that the several matters so required to be done by the town clerk cannot be duly carried into effect within the time so specified in that behalf: Be it enacted, that from and after the passing of this Act the overseers of the poor of every parish wholly or in part within any borough shall, on or before the first day of September in every year, instead of on the fifth day of September, make out a list, to be called the Burgess list, according to the provisions in the said recited section contained, and shall, on or before the said first day of September in every year, instead of on the fifth day of September, deliver the same to the town clerk of the borough, and shall keep a true copy of such lists, to be perused by any person without payment of any fee at all reasonable hours between the first and fifteenth days of September in every year, instead of between the fifth and fifteenth days of September.

VIII. The said Act of King William the Fourth and this Act shall be construed together as one Act.¹

Acts to be
construed as
one.

20 & 21 VICT. CAP. 64.

AN ACT for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police.

[25th August, 1857.]

WHEREAS it has become necessary to build new stations and to improve the existing stations for the metropolitan police; and as the expense of such building and improvement will exceed the amount which can be defrayed out of the annual receipts applicable to the purposes of the metropolitan police, it is expedient that, towards defraying such expense, a sum of sixty thousand pounds should be raised as hereinafter mentioned: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows; that is to say,

* * * * *

XI. And whereas by the Act of the tenth year of King 10 Geo. 4, c. George the Fourth, chapter forty-four, the sum to be paid for 44.

¹ The Act referred to is the 5 and 6 Will. 4, c. 76.

the purposes of the police under that Act within the metropolitan police district is to be ascertained, and is limited with reference to the full and fair annual value of all property rateable for the relief of the poor within the parish, township, precinct, or place, such full and fair annual value to be computed according to the last valuation for the time being acted upon in assessing the county rate: And whereas from the rapid increase of building in parts of the metropolitan police district many buildings become rateable for the relief of the poor, and occasion an increase of charge for the purposes of the police, before they are included in the valuation acted upon in assessing the county rate:

The rateable value of buildings erected since the last county rate valuation to be taken into account for the purposes of the police rate.

In computing the full and fair annual value of the property rateable for the relief of the poor within any parish, township, precinct, or place in the metropolitan police district, for all the purposes of the said Act of King George the Fourth, and the other Acts relating to the metropolitan police, and this Act, the full and fair annual value on which the last poor rate has been computed of all houses and other buildings in such parish, township, precinct, or place, which shall have been erected since the last valuation acted upon in assessing the county rate, and which shall have become rateable to the relief of the poor, shall be added to the amount of the annual value of the rateable property in such parish, township, precinct, or place, according to the last valuation for the time being acted upon in assessing the county rate.¹

Overseers to make returns of new buildings.

XII. The overseers of the poor of every parish, township, precinct, or place within the metropolitan police district shall, from time to time so often as may be required by the receiver for the metropolitan police district, make and cause to be delivered to the receiver for the metropolitan police district a true return in writing under the hands of such overseers, specifying every house or other building which shall have been erected and have become rateable to the relief of the poor in such parish, township, precinct, or place since the making of the last valuation for the time being acted upon in assessing the county rate, and the annual value of the same.¹

Power to receiver for metropolitan police district, &c. to inspect rates.

XIII. The receiver for the metropolitan police district, or any person having an order for that purpose under the hand of such receiver, may inspect any poor rate made or to be made for any parish, township, precinct, or place in the metropolitan police district, and take copies of or extracts from any such rate, without payment of any fee or reward.

Penalty on overseers neglecting to make returns, or refusing to produce rates.

XIV. If any overseer or overseers refuse or neglect to make any return when so required by the receiver as aforesaid, or if any overseer or person having the custody of any such poor rate as herein mentioned refuse or neglect to permit the receiver or any person hereby authorized to inspect such rate, or to take

¹ But see 25 & 26 Vict. c. 103, s. 28.

copies or extracts from the same, within two days after notice in writing, under the hand of such receiver, for that purpose shown to the overseer or person having the custody of such poor rate, or left at his usual place of abode; every overseer or person so offending shall, on conviction thereof before two justices of the peace, or before any police magistrate sitting in a police court of the metropolitan police district, forfeit and pay for every such offence the sum of ten pounds.

* * * * *

20 & 21 VICT. CAP. 81.

AN ACT to amend the Burial Acts. [25th August, 1857.]

WHEREAS an Act was passed in the session holden in the fifteenth and sixteenth years of Her Majesty, (chapter eighty-five), "to amend the Laws concerning the Burial of the Dead 15 & 16 Vict. in the Metropolis;" and an Act was passed in the session c. 85.

holden in the sixteenth and seventeenth years of Her Majesty (chapter one hundred and thirty-four), "to amend the Laws 16 & 17 Vict. concerning the Burial of the Dead in England beyond the c. 134.

limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the session holden in the seventeenth and eighteenth years of Her Majesty (chapter eighty-seven), "to make further Pro- 17 & 18 Vict. vision for the Burial of the Dead in England beyond the c. 87.

Limits of the Metropolis;" and Acts were passed in the session holden in the eighteenth and nineteenth years of Her Majesty (chapters seventy-eight and one hundred and twenty-eight), "to amend the Laws concerning the Burial of the Dead in 18 & 19 Vict. England;" And whereas it is expedient to amend the said Acts: cc. 78,¹ 128.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same as follows:

* * * * *

VI. Where the guardians of any parish or union are or shall hereafter become possessed of any land suitable to the purposes of a burial ground, and the poor law board shall consent to the same being appropriated to the reception of the dead bodies of any poor persons whom such guardians shall be authorized or required by law to bury² it shall be lawful for the ordinary of the diocese wherein such land shall be situated, if he see fit, to consecrate the whole or a part of such land for burial purposes, and after consecration the guardians may lawfully direct any such dead body as aforesaid to be buried therein; and the land so consecrated shall not thenceforth be used for any other

Ordinary of diocese may consecrate the whole or part of land belonging to any parish for the burial of poor persons.

¹ Sic; the reference should have been to 18 & 19 Vict. c. 79.

² See 7 & 8 Vict. c. 101, s. 31.

purposes than for burials according to the rites of the united church of England and Ireland; and shall be kept in decent order; and the fences thereof, and any building or other erection therein or adjoining thereto used for the performance of the burial service, shall be maintained in good repair by the guardians, out of the common fund of such parish or union: provided nevertheless, that the guardians shall not be authorized to direct the body of any poor person to be buried in such grounds who, or whose husband, wife, or next of kin, shall, by letter addressed to the master of the workhouse or otherwise, have expressly desired burial to take place elsewhere.¹

* * * * *

Sinking fund
to be provided
for paying off
mortgages.

XX. Provided always, that for the purpose of providing a sinking fund for paying off the principal money borrowed on mortgages granted under any of the said Acts or this Act, the burial board shall once in every year set aside, out of the monies charged by such mortgages, such sum as they think proper, being a sum equal to or exceeding one-fiftieth part of the principal money so borrowed.²

* * * * *

Orders in
council may
be issued, on
representation
of secretary of
state, so as to
prevent
vaults, &c.,
being danger-
ous to health.

XXIII. It shall be lawful for Her Majesty, upon the representation of one of Her Majesty's principal secretaries of state, by and with the advice of Her privy council, from time to time to order such acts to be done by or under the directions of the churchwardens or such other persons as may have the care of any vaults or places of burial, for preventing them from becoming or continuing dangerous or injurious to the public health; and every such order in council shall be published in the *London Gazette*, and such churchwardens or other persons shall do or cause to be done all acts ordered as aforesaid, and the expenses incurred in and about the doing thereof shall be paid out of the poor rates of the parish: provided always that no such representation shall be made until ten days' previous notice of the intention to make such representation shall have been given to the churchwardens or other persons, or one of the churchwardens or other persons, having the care of the vaults or places of burial to which the representation relates.³

* * * * *

¹ See 7 & 8 Vict. c. 101, s. 31.

² See 15 & 16 Vict. c. 85, s. 20, *post*.

³ See 22 Vict. c. 1, s. 1.

21 VICT. CAP. 25.

AN ACT to amend the Act concerning non-parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages in England, and concerning Vaccination.
[14th June, 1858.]

* * * * *

VI. So much of the Acts of the session holden in the sixth and seventh years of King William the Fourth, chapters eighty-five and eighty-six, and of an Act of the session holden in the seventh year of King William the Fourth and the first year of Her Majesty, chapter twenty-two, as provides that the cost of register books of births and deaths, marriage register books, and forms of certified copies thereof respectively,¹ and of marriage notice books furnished by the said registrar-general, shall be paid by guardians, or by churchwardens and overseers, or by the registering officer of the Society of Friends called Quakers, or the secretary of any synagogue of persons professing the Jewish religion,² and also so much of the said Act of the sixth and seventh years of King William the Fourth, chapter eighty-five, as enacts that the cost of forms of certificates for marriages furnished by the said registrar-general to any superintendent registrar shall be accounted for by such superintendent registrar to the said registrar-general, shall be repealed.

VII. And whereas by the Act of the session holden in the sixteenth and seventeenth years of Her Majesty, chapter one hundred, it was enacted,³ that the said registrar-general should within two months after the passing of that Act frame and provide such books, forms, and regulations as he might deem requisite for carrying into full effect the provisions of that Act, and should transmit the same to the superintendent registrars of each district in England and Wales, who should deliver to the medical officers appointed as in the said Act mentioned, and other duly qualified medical practitioners in the said district, such of the said books, forms, and regulations as they might require for the performance of the duties imposed upon them by that Act, and the expenses to be incurred by the registrar-general under the provisions of that Act should be defrayed in the same manner as the expenses under the said Act of the sixth and seventh years of King William the Fourth, chapter eighty-five :

The said enactment, except so much thereof as directs the registrar-general to frame and provide such books, forms, and

¹ See 6 & 7 Will. 4, c. 86, s. 18.

² See *ibid*, s. 30.

³ See 16 & 17 Vict. c. 100, s. 11.

Registrars to deliver books, &c., to medical officers, &c., without requiring payment for the same.

regulations as therein mentioned, shall be repealed; and the registrar-general shall transmit from time to time to the registrar of births and deaths in every sub-district such books, forms, and regulations as may be requisite for the use of the medical officers appointed as in the said Act mentioned, and other duly qualified medical practitioners in the sub-district; and every such registrar shall deliver to such medical officers and practitioners respectively, without requiring payment for the same, such of the said books, forms, and regulations as they may require for the performance of the duties imposed upon them by that Act.

21 & 22 VICT. CAP. 33.¹

AN ACT for the better Management of County Rates.

[12th July, 1858.]

15 & 16 Vict.
c. 81.

WHEREAS by an Act passed in the fifteenth and sixteenth years of the reign of her present Majesty, chapter eighty-one, intituled "An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in England and Wales," the justices of the peace of the several counties or divisions of counties in England and Wales are respectively empowered to appoint a committee for the purpose of preparing a basis or standard for fair and equal county rates to be made in their respective counties and divisions;² And whereas by the fifty-first section of the said Act it is amongst other things declared that in the construction of the said Act the word "county" shall mean and include any riding or division having a separate commission of the peace or separate county treasurer: And whereas certain counties having one commission of the peace are for certain purposes divided into separate divisions, each division having a separate county treasurer, and such divisions have been unequally assessed, and doubts are entertained concerning the application of the said Act in such counties, and it is expedient that the provisions of the said Act should be deemed and declared to be applicable to such counties generally, and not to separate divisions thereof particularly: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Provisions of
15 & 16 Vict.
c. 81 to apply
to counties

I. In any county having one commission of the peace, and being divided into separate divisions, having each a separate county treasurer, the provisions of the Act passed in the

¹ With reference to this Act, and the 15 & 16 Vict. c. 81, see the provisions in 24 & 25 Vict. c. 55, s. 10, and 25 & 26 Vict. c. 103, s. 28.

² 15 & 16 Vict. c. 81, s. 2.

fifteenth and sixteenth years of the reign of Her present Majesty, chapter eighty-one, for the purpose of preparing the basis or standard as aforesaid, may be taken and considered to apply to the whole of such county generally, and not to separate divisions thereof particularly, notwithstanding any provision contained in the fifty-first section of the said Act. Having separate divisional county treasurers.

II. The justices of such divisions shall nevertheless at their general or quarter sessions of the peace, or at any adjournment thereof, raise all county rates and administer all disbursements thereout in respect of expenses incurred in and for such divisions, in like manner as they may have heretofore been accustomed to raise and administer the same in such divisions: Provided always, that the justices usually acting in two or more of such divisions may, if they shall think fit, at any general or quarter sessions of the peace to be held in each of such divisions by an order of such several sessions, agree to raise and administer such disbursements jointly, and such divisions shall, on and after the making of such orders as aforesaid, be considered for the purposes aforesaid as one division only and not separate divisions: Provided also, that any sum heretofore levied or which may be levied hereafter for expenses incurred generally for the whole of any such county, shall be levied and paid by the divisions of such county, in proportion to the total assessment of such divisions respectively as ascertained by the basis or standard aforesaid. Justices of divisions to raise all county rates and to administer all disbursements thereout in such divisions as heretofore.

21 & 22 VICT. CAP. 43.

AN ACT to amend the Municipal Franchise in certain Cases. [23rd July, 1858.]

WHEREAS by section nineteen of an Act passed in the session 59 Geo. 3, holden in the fifty-ninth year of his late Majesty King George c. 12. the Third, chapter twelve, intituled "An Act to Amend the Laws for the Relief of the Poor," the inhabitants of any parish in vestry assembled are empowered to resolve and direct, that the owner or owners of all houses, apartments, or dwellings in such parishes, being the immediate lessor or lessors of the actual occupier or occupiers, which shall respectively be let to the occupiers thereof at any rent or rate not exceeding twenty pounds nor less than six pounds by the year, for any less term than one year, or on any agreement by which the rent shall be reserved or made payable at any shorter period than three months, shall be assessed to the rates for the relief of the poor for or in respect of such houses, apartments, or dwellings, and the out-houses and curtilages thereof, instead of the actual occupiers: And whereas it is doubtful whether in such case such occupier

is entitled to any municipal privileges and franchises to which, by virtue of an Act passed in the session of parliament held in the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," he would have been entitled, if he himself had been rated and had paid such rate or rates : And whereas, when the owner of any tenement is rated to the relief of the poor by virtue of an Act passed in the session of parliament held in the thirteenth and fourteenth years of Her present Majesty, intituled "An Act for the better Assessing and Collecting the Poor Rates and Highway Rates in respect of Small Tenements," instead of the occupier thereof, and has paid all money due on account of any rate or rates in respect of such tenement, such occupier is entitled to all municipal privileges and franchises to which by virtue of the said recited Act of King William the Fourth he would have been entitled if he himself had been rated and had paid such rate or rates : Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

Where owner is rated, occupier to be entitled to the same municipal privileges under 5 & 6 Will. 4, c. 76, as if he was rated instead of the owner.

I. Where the owner of any such house, apartment, or dwelling in the said first-recited Act mentioned shall be rated to the relief of the poor by virtue of section nineteen of the said first-recited Act, instead of the occupier thereof, and such owner shall have paid all money due on account of any rate or rates in respect of such house, apartment, or dwelling, such occupier shall be entitled to all municipal privileges and franchises to which by virtue of the said Act passed in the session of parliament held in the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," he would have been entitled if he himself had been rated and had paid such rate or rates ; and if such owner so rated as aforesaid shall not have paid such rate or rates, it shall be lawful for such occupier to tender to the overseers of the poor or other person authorized by law to receive the same the amount of any rate or rates then due from such owner in respect of such house, apartment, or dwelling, and such overseer or other person so authorized as aforesaid shall be bound to receive the same, and such occupier shall, on the payment or tender of such amount, be entitled to exercise all such privileges and franchises as hereinbefore mentioned : Provided always, that any occupier so paying any rate or rates in respect of any such house, apartment, or dwelling, where the owner is rated to the same, shall be entitled to deduct and retain the amount so paid by him from the next payment of rent to be made by him to such owner, or to recover the same from such owner as money paid

¹ See 13 & 14 Vict. c. 99, s. 7.

to and for the use of such owner, and upon such payment being* so made by such occupier, and being by him so deducted or retained from his rent, the production by such owner of the receipt of such occupier for the amount so deducted shall be sufficient proof of such rate or rates having been duly paid.

II. So much of the said Act of the fifty-ninth year of his late Majesty King George the Third as remains unrepealed and this Act shall be read and construed together as one Act.

Recited Act
and this Act
to be read as
one.

21 & 22 VICT. CAP. 67.

AN ACT to repeal certain Enactments requiring Returns to be made to one of the Secretaries of State.

[2nd August, 1858.]

WHEREAS certain of the returns now required to be made to one of Her Majesty's principal secretaries of state, which entail charges on local funds, have become unnecessary: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. From and after the passing of this Act the following enactments requiring returns to be made or transmitted to one of Her Majesty's principal secretaries of state shall be repealed; that is to say,¹

- | | | | | | |
|--|---|---|---|---|----------|
| * | * | * | * | * | * |
| 4. Section eleven of an Act of the session holden in the 7 & 8 Vict. | | | | | |
| seventh and eighth years of Her Majesty, chapter one c. 101. | | | | | |
| hundred and one. | | | | | Bastardy |
| * | * | * | * | * | * |
| | | | | | returns. |

21 & 22 VICT. CAP. 90.

AN ACT to regulate the Qualifications of Practitioners in Medicine and Surgery.

[2nd August, 1858.]

WHEREAS it is expedient that persons requiring medical aid should be enabled to distinguish qualified from unqualified practitioners: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords

¹ This would at first sight appear to repeal entirely s. 11 of 7 & 8 Vict. c. 101; but upon the whole I think that enactment is still in

operation, except as regards the transmission of the returns to the secretary of state.—W. C. G.

	spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :
Short Title.	I. This Act may for all purposes be cited as "The Medical Act."
Commencement of Act.	II. This Act shall commence and take effect from the first day of October, one thousand eight hundred and fifty-eight.
	* * * * *
Registration of persons now qualified, and of persons hereafter becoming qualified.	XV. Every person now possessed, and (subject to the provisions hereinafter contained) every person hereafter becoming possessed, of any one or more of the qualifications described in the Schedule (A.) to this Act, shall, on payment of a fee, not exceeding two pounds, in respect of qualifications obtained before the first day of January, one thousand eight hundred and fifty-nine, and not exceeding five pounds in respect of qualifications obtained on or after that day, be entitled to be registered on producing to the registrar of the branch council for England, Scotland, or Ireland the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to such registrar information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained : Provided always, that it shall be lawful for the several colleges and other bodies mentioned in the said Schedule (A.) to transmit from time to time to the said registrar lists certified under their respective seals of the several persons who, in respect of qualifications granted by such colleges and bodies respectively, are for the time being entitled to be registered under this Act, stating the respective qualifications and places of residence of such persons ; ¹ and it shall be lawful for the registrar thereupon, and upon payment of such fee as aforesaid in respect of each person to be registered, to enter in the register the persons mentioned in such lists, with their qualifications and places of residence as therein dated, without other application in relation thereto.
	* * * * *
Persons practising in England before 1st August, 1815, entitled to be registered.	XVII. Any person who was actually practising medicine in England before the first day of August, one thousand eight hundred and fifteen shall, on payment of a fee to be fixed by the general council, be entitled to be registered on producing to the registrar of the branch council for England, Scotland, or Ireland a declaration according to the form in the Schedule (B.) to this Act signed by him, or upon transmitting to such registrar information of his name and address, and enclosing such declaration as aforesaid.
	* * * * *
Register to be published.	XXVII. The registrar of the general council shall in every

¹ See 23 Vict. c. 7, s. 1.

year cause to be printed, published, and sold, under the direction of such council, a correct register of the names in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule (D.) to this Act, or to the like effect, and medical titles, diplomas, and qualifications conferred by any corporation or university, or by doctorate of the Archbishop of Canterbury, with the dates thereof, of all persons appearing on the general register as existing on the first day of January in every year; and such register shall be called "The Medical Register;" and a copy of the "Medical Register" for the time being, purporting to be so printed and published as aforesaid, shall be evidence in all courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy shall be evidence, until the contrary be made to appear, that such person is not registered according to the provisions of this Act: Provided always, that in the case of any person whose name does not appear in such copy, a certified copy, under the hand of the registrar of the general council or of any branch council, of the entry of the name of such person on the general or local register shall be evidence that such person is registered under the provisions of this Act.

* * * * *

XXXI. Every person registered under this Act shall be entitled according to his qualification or qualifications to practise medicine or surgery, or medicine and surgery, as the case may be, in any part of Her Majesty's dominions, and to demand and recover in any court of law, with full costs of suit, reasonable charges for professional aid, advice, and visits, and the cost of any medicines or other medical or surgical appliances rendered or supplied by him to his patients: Provided always, that it shall be lawful for any college of physicians to pass a byelaw to the effect that no one of their fellows or members shall be entitled to sue in manner aforesaid in any court of law, and thereupon such byelaw may be pleaded in bar to any action for the purposes aforesaid commenced by any fellow or member of such college. Privileges of registered persons.

XXXII. After the first day of January, one thousand eight hundred and fifty-nine,¹ no person shall be entitled to recover any charge in any court of law for any medical or surgical advice, attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this Act. None but registered persons to recover charges.

XXXIII. Provided also, that no person who on the first of October, one thousand eight hundred and fifty-eight shall be acting as medical officer under an order of the poor law com- Poor Law medical officers not disqualified

¹ See 22 Vict. c. 21, s. 1; and 23 Vict. c. 7, s. 3.

if registered within six months of passing of Act. missioners or poor law board shall be disqualified to hold such office by reason of his not being registered as herein required, unless he shall have failed to be registered within six months from the passing of this Act.¹

Meaning of terms "legally qualified medical practitioner," &c. XXXIV. After the first day of January, one thousand eight hundred and fifty-nine,² the words "legally qualified medical practitioner" or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any Act of Parliament, shall be construed to mean a person registered under this Act.

Registered persons exempted from serving on juries, &c. XXXV. Every person who shall be registered under the provisions of this Act shall be exempt, if he shall so desire, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, ward, hundred, and township offices, and from serving in the militia, and the name of such person shall not be returned in any list of persons liable to serve in the militia, or in any such office as aforesaid.

Unregistered persons not to hold certain appointments. XXXVI. After the first day of January, one thousand eight hundred and fifty-nine,³ no person shall hold any appointment as a physician, surgeon, or other medical officer either in the military or naval service, or in emigrant or other vessels, or in any hospital, infirmary, dispensary, or lying-in hospital, not supported wholly by voluntary contributions, or in any lunatic asylum, gaol, penitentiary, house of correction, house of industry, parochial or union workhouse or poorhouse, parish union,⁴ or other public establishment, body, or institution, or to any friendly or other society for affording mutual relief in sickness, infirmity, or old age, or as a medical officer of health, unless he be registered under this Act: Provided always, that nothing in this Act contained shall extend to repeal or alter any of the provisions of the Passengers Act, 1855.⁵

No certificate to be valid unless person signing be registered. XXXVII. After the first day of January, one thousand eight hundred and fifty-nine,³ no certificate required by any Act now in force, or that may hereafter be passed from any physician, surgeon, licentiate in medicine and surgery, or other medical practitioner, shall be valid unless the person signing the same be registered under this Act.

* * * * *

Penalty for falsely pretending to be a registered person. XL. Any person who shall wilfully and falsely pretend to be or take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition, or description implying that he is registered under this Act, or that he is recognized by law as a physician,

¹ This section is repealed by 22 Vict. c. 21. s. 2, but it is necessary to retain it here in order to render the repealing section intelligible. See also 23 Vict. c. 7, s. 4.

² See 22 Vict. c. 21, s. 1; and 23 Vict. c. 7, s. 3.

³ See 22 Vict. c. 21, s. 1; and 23 Vict. c. 7, s. 3.

⁴ See 23 Vict. c. 7, s. 4.

⁵ See 18 & 19 Vict. c. 119.

or surgeon, or licentiate in medicine and surgery, or a practitioner in medicine, or an apothecary, shall, upon a summary conviction for any such offence, pay a sum not exceeding twenty pounds.

* * * * *

XLV. Every registrar of deaths in the United Kingdom on receiving notice of the death of any medical practitioner shall forthwith transmit by post to the registrar of the general council and to the registrar of the branch council a certificate under his own hand of such death, with the particulars of time and place of death, and may charge the cost of such certificate and transmission as an expense of his office, and on the receipt of such certificate the medical registrar shall erase the name of such deceased medical practitioner from the register.

Notice of death of medical practitioners to be given by registrars.

XLVI. It shall be lawful for the general council by special orders to dispense with such provisions of this Act or with such part of any regulations made by its authority as to them shall seem fit, in favour of persons now practising medicine or surgery in any part of Her Majesty's dominions other than Great Britain and Ireland by virtue of any of the qualifications described in Schedule (A.); and also in favour of persons practising medicine or surgery within the United Kingdom on foreign or colonial diplomas or degrees before the passing of this Act; and also in favour of any persons who have held appointments as surgeons or assistant surgeons in the army, navy, or militia, or in the service of the East India Company, or are acting as surgeons in the public service, or in the service of any charitable institutions, and also, so far as to the council shall seem expedient, in favour of medical students who shall have commenced their professional studies before the passing of this Act.

Provision for persons practising in the colonies and elsewhere, and for students.

* * * * *

SCHEDULE (A.)

1. Fellow,¹ licentiate, or extra licentiate of the Royal College of Physicians of London.
2. Fellow¹ or licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or member or licentiate in midwifery of the Royal College of Surgeons of England.
5. Fellow or licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or licentiate of the Royal College of Surgeons in Ireland.

¹ See 22 Vict. c. 21, s. 4.

- 8 Licentiate of the Society of Apothecaries, London.
 9. Licentiate of the Apothecaries Hall, Dublin.
 10. Doctor, or bachelor, or licentiate of medicine, or master in surgery of any university of the United Kingdom; or doctor of medicine by doctorate granted prior to passing of this Act by the Archbishop of Canterbury.
 11. Doctor of medicine of any foreign or colonial university or college, practising as a physician in the United Kingdom before the first day of October 1858, who shall produce certificates to the satisfaction of the council of his having taken his degree of doctor of medicine after regular examination, or who shall satisfy the council, under section forty-five¹ of this Act, that there is sufficient reason for admitting him to be registered.

SCHEDULE (B.)

DECLARATION required of a person who claims to be registered as a medical practitioner, upon the ground that he was in practice as a medical practitioner in England or Wales before the first day of August 1815:

To the Registrar of the Medical Council.
 I, _____ residing at _____ in the county of _____
 hereby declare that I was practising as a medical practitioner at _____ in the county of _____
 before the first day of August 1815.

(Signed) _____ [Name.]
 Dated this _____ day of _____ 185

SCHEDULE (D.)

Name.	Residence.	Qualification.	Title. ²
A.B. ..	London.. ..	Fellow of the Royal College of Physicians of	
C.D. ..	Edinburgh ..	Fellow and Member of the Royal College of Surgeons of	
E.F. ...	Dublin ³ ..	Graduate in Medicine of University of	
G.H. ..	Bristol .. .	Licentiate of the Society of Apothecaries,	
I.K. ..	London.. ..	Member of College of Surgeons and Licentiate of the Society of Apothecaries.	

¹ "Forty-six;" see 22 Vict. c. 21, s. 5.

² See *ibid.* s. 3.

³ See 23 Vict. c. 7, s. 1.

21 & 22 VICT. CAP. 97.

AN ACT for vesting in the Privy Council certain Powers for the Protection of the Public Health.

[2nd August, 1858.]

WHEREAS under an Act of the last session of parliament, 20 & 21 Vict. chapter thirty-eight, the general board of health stands continued only until the first day of September, one thousand eight hundred and fifty eight: and whereas it is expedient to vest in the privy council certain powers now vested in the said general board of health, and certain other powers for the protection of the public health: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. In addition to the powers vested in Her Majesty's most honourable privy council for the protection of the public health, all powers now vested in the general board of health under the "Diseases Prevention Act, 1855,"¹ shall, upon the discontinuance of the said board, be vested in the said privy council, and the provisions of the said Act having reference to the general board of health and the regulations and directions issued by them, except section thirteen, shall be construed as referring to such privy council and the regulations and directions issued by them.

II. The privy council may from time to time issue such regulations as they think fit for securing the due qualification of persons to be hereafter contracted with by guardians and overseers of unions and parishes in England for the vaccination of persons resident in such unions and parishes, and for securing the efficient performance of vaccination by the persons already or hereafter to be contracted with as aforesaid;² and any money from time to time provided by parliament for or towards defraying the expenses of the National Vaccine Establishment, or otherwise providing for the supply of vaccine lymph, shall be applied under the directions of the privy council.

III. The privy council may from time to time cause to be made such inquiries as they see fit in relation to any matters concerning the public health in any place or places; and to the observance of the regulations and directions issued by them under this Act.

IV. The powers of appointing and removing a medical officer, vested in the general board of health under the General Board of Health Continuance Act, 1855, shall, upon the

¹ See 23 & 24 Vict. c. 77, ss. 10, 11, 12.

² See 3 & 4 Vict. c. 29; 4 & 5 Vict. c. 32; 16 & 17 Vict. c. 100; and 24 & 25 Vict. c. 59.

discontinuance of that board, be vested in the privy council; and the person who at the time of the cessor of the general board of health may be their medical officer shall become the medical officer of the privy council, subject to such power of removal as aforesaid; and the privy council may also from time to time employ such other persons as they deem necessary for the purposes of this Act; and there shall be paid to the medical officer such salary not exceeding fifteen hundred pounds per annum, and to such other persons such remuneration and allowances, as the commissioners of Her Majesty's treasury may direct; and such salary, remuneration, and allowances shall be paid out of such monies as shall be provided by parliament.

Medical officer to report annually as to the execution of this Act.

V. The medical officer shall from time to time report to the privy council in relation to any matters concerning the public health, or such matters as may be referred to him for that purpose, and shall, in or before the month of March in each year, report to the privy council the proceedings had and taken under this Act during the preceding year ending on the thirty-first day of December.

Reports to be laid before parliament.

VI. The annual report made by the medical officer as aforesaid shall be laid before both houses of parliament within fourteen days after the making thereof, if parliament be sitting, and if not, then within fourteen days after the next meeting of parliament, together with all other reports made by him under this Act, during the period to which such annual report relates.

As to the making and authentication of orders, &c.

VII. All powers vested in the privy council by this Act may be exercised by any three or more of the lords and others of the privy council, the vice president of the committee of the said privy council on education being one of them, and all orders, regulations, directions, and acts of the privy council under this Act shall be sufficiently made and signified by a written or printed document, signed by one of the clerks of the privy council, or such officer as may be appointed by the privy council in this behalf;¹ and all orders, regulations, directions, and Acts made or signified by any written or printed document purporting to be so signed shall be deemed to have been duly made, issued, and done by the privy council, and every such document shall be received in evidence in all courts, and before all justices and others without proof of the authority or signature of such clerk or other officer, or other proof whatsoever, until it be shown that such document was not duly signed by the authority of the privy council.

* * * * *

Short title, and continuance of Act.

IX. This Act may be cited as "The Public Health Act, 1858," and shall be in force only until the first day of August, one thousand eight hundred and fifty-nine.²

¹ See 22 & 23 Vict. c. 1, s. 1.

² This Act, with the exception of s. 8, has been made permanent by 22 & 23 Vict. c. 3, which at the same time repeals s. 8.

21 & 22 VICT. CAP. 98.

AN ACT to amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts. [2nd August, 1858.]

WHEREAS it is expedient to amend the Public Health Act, 1848, and to make further provisions for the local government of towns and populous districts in England: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same as follows; that is to say,

I. This Act may be cited for all purposes as "The Local Government Act, 1858." Short title.

* * * * *

XI. In the case of any failure to elect a local board, or of any lapse of a local board as aforesaid,¹ it shall be lawful for the owners and ratepayers of the district, by resolution, as hereinafter provided, for the adoption of this Act, to proceed to election of a new local board in the manner provided by this Act, with the same qualification of members from property or rating as the lapsed local board, and the result of such election shall be signified to one of Her Majesty's principal secretaries of state by the person conducting it, in the same manner as is hereinafter directed with regard to the adoption of this Act; and all the rights and liabilities of the former local board shall attach to the new local board as if there had been no lapse before the election thereof, and from the date of such election all powers of any receiver to make rates under the preceding section shall determine.

Course of proceeding in event of failure to elect a local board.

* * * * *

XIII. (1.) Meetings for the purpose of the preceding section² shall be summoned on the requisition in writing of any twenty ratepayers or owners;

As to summoning meetings for purpose of preceding section.

In corporate boroughs, by the mayor;

In other places under the jurisdiction of such improvement commissioners as aforesaid, by the chairman of the said commissioners;

In places having known and defined boundaries, not being corporate boroughs, or towns under the jurisdiction of such improvement commissioners as are hereinbefore mentioned, by the churchwardens or one of them, or if there are no churchwardens the overseers or one of them, or if there is none of the officers respectively above enumerated, or if such officer in any case neglects, is unable, or refuses to perform the duties hereby imposed on him,

¹ i.e. from death, resignation, disqualification, or otherwise, s. 10.

² i.e. adoption of Act.

by any person appointed by one of Her Majesty's principal secretaries of state :

Notice of
meeting.

(2.) In such places as last aforesaid the summoning officer shall upon such requisition fix a time and place for holding such meeting, and shall forthwith give notice thereof

By advertisement in some one or more of the newspapers circulated in the place ;

By causing such notice to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed.

* * * * *

Power to
local board
to execute
works in ad-
joining places.

XXVIII. Every local board may, with the consent of the local board of any adjoining district, or with the consent of any adjoining place maintaining its own poor, do and execute in such adjoining district or place all or any of such works and things as the local board may do and execute within their own district, and upon such terms as to payment or otherwise as may be agreed upon between such local board and the local board of the adjoining district, or the local authority under the Nuisance Removal Act, 1855, in and for such adjoining place ; and any sums agreed to be paid by the local board of the adjoining district, in pursuance of this section, shall be payable out of the rates leviable under the Public Health Act, 1848, and this Act ; and any sums agreed to be paid by such local authority shall be payable out of the same rates as the expenses of executing the said Nuisance Removal Act ; and the consent of any such place to any work or thing proposed to be done under this section shall be signified in the same manner in which the consent of a place to the adoption of this Act is hereinbefore required to be signified ; and where the expenses of any such work or thing would, if the same had been executed in a district under the powers of this Act, have been recoverable from owners or occupiers, such expenses shall be recoverable by the local board or local authority of the district or place respectively from such owners or occupiers.

* * * * *

Provision for
obtaining
order for
cleansing foul
and offensive
water-courses
or open
ditches lying
near to or
forming the
boundaries of
districts.

XXXI. In case any watercourse or open ditch lying near to or forming the boundary between the district of any local board and any adjoining parish or place shall be foul and offensive, so as injuriously to affect the district of such local board, any justice of the peace for the county, city, or borough in which such adjoining parish or place may be situate may, on the application of such local board, summon the local authority for the purposes of the Nuisance Removal Act, 1855, of such adjoining parish or place, to appear before the justices of the same county, city, or borough, to show cause why an order should not be made by the said justices for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such justices to be necessary ; and such justices, after hearing the parties, or *ex*

parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such justices shall seem reasonable; and any sums ordered to be paid by any justices in pursuance of this section shall be a charge upon and be payable out of the poor rates of such adjoining parish or place, as if the same were legally incurred in the relief of the poor of such parish or place, and in default of payment may be levied upon the goods and chattels of such overseers by distress and sale thereof.

* * * * *

LVI. For the purpose of assessing the general district rate, any person appointed by the local board may inspect, take copies of or make extracts from, any rate for the relief of the poor within the district, or any books relating to the same; and if any officer having the custody of such last-mentioned rate book refuses to permit any such inspection, or the taking of any such copies or extract, he shall for each offence incur a penalty not exceeding five pounds: if there is no such assessment as aforesaid for the relief of the poor by reference to which such net annual value can be estimated, or if such assessment is, in the judgment of the local board, an unfit criterion for making a general district rate, a valuation shall be made by a person appointed by the local board for that purpose, in manner, as near as circumstances will permit, prescribed by an Act passed in the seventh year of the reign of King William the Fourth, intituled an Act to regulate Parochial Assessments, or any other Act for the time being in force for regulating parochial assessments;¹ and the net annual value of the property shall be ascertained by reference to the said valuation and assessment.

Poor rate books to be accessible for rating under Public Health Acts.

Power of valuation as prescribed by 6 & 7 Will. 4, c. 96, in case there should be no assessment.

Audit of Accounts.

LX. The one hundred and twenty-second section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be enacted as follows: Where the mayor, aldermen, and burgesses of a borough are the local board, the accounts of the receipts and expenditure of the local board shall be audited and examined by the auditors of the borough, and shall be published in like manner and at the same time as the municipal accounts, and the auditors shall proceed in the audit after like notice and in like manner, shall have like powers and authorities, and perform like duties, as in the case of auditing the municipal accounts; and each of such auditors shall in respect of each audit be paid, out of the general district rates levied under this Act, such reasonable remuneration, not being less

Provisions as to audit of accounts.

¹ See 6 & 7 Will. 4, c. 96, s. 1.

than two guineas for every day in which they are employed in such audit, as the local board from time to time appoints; and any order of the local board for the payment of any money may be removed by certiorari, and like proceedings may be had thereon as under section forty-four of the Act of the first year of Her Majesty, chapter seventy-eight, with respect to orders of the council of a borough for payments out of the borough fund.

With respect to districts not boroughs, as follows:

- (1.) The accounts of the receipts and expenditure of the local board shall be audited and examined once in every year, as soon as can be after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor for the union in which the district or the greater part thereof is situate, unless such auditor is a member of the local board whose accounts he is appointed to audit, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the local board of health:¹

Power of allowance, disallowance, and surcharge.

Disallowances may be removed by certiorari into Court of Queen's Bench.

Appeal against disallowances.

As to recovery of disallowances.

And any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same upon the person making or authorizing the making of the illegal payment, and shall certify the same to be due from such person, and upon application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made; and any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said court, in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor;² and the said court shall have the same powers with respect to allowances, disallowances, and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors;³ or in lieu of such application any person so aggrieved may appeal to one of Her Majesty's principal secretaries of state, who shall have the same powers in the case of the appeal as are possessed by the poor law board in the case of appeals against allowances, disallowances, and surcharges by the said poor law auditors:⁴

- (2.) Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the treasurer of the local board within fourteen days after the same shall have been so certified, unless there

¹ See 24 & 25 Vict. c. 61, ss. 3, 15.

² See 7 & 8 Vict. c. 101, s. 35.

³ See 7 & 8 Vict. c. 101, s. 35.

⁴ See *ibid.* s. 36.

be an appeal against the decision ; and if such sum shall not be so paid, and there be no such appeal, the auditor shall recover the same from the person against whom the same shall have been certified to be due by the like process and with the like powers as in the case of sums certified upon the audit of the poor rate accounts,¹ and shall be paid by the local board all such costs and expenses, including a reasonable compensation for his loss of time incurred by him in such proceedings, as shall not be recovered by him from such person.

- (3.) For the purpose of any audit of account under this Act, every auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same ; and if any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings ; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury ; and such auditor shall in respect of each audit be paid, out of the general district rates levied under this Act, such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as the local board from time to time appoints, together with his expenses of travelling to and from the place of audit.
- (4.) Before each audit of accounts under this Act, the local board shall, after receiving from the auditor the requisite appointment, give twenty days notice of the time and place at which the same will be made, by advertisement in some one or more of the public newspapers circulated in the district ; and a copy of the accounts to be audited, together with all rate books, account books, deeds, contracts, accounts, bills, vouchers, and receipts mentioned or referred to in such accounts, shall be deposited in the office of the local board, and be open, during office hours thereat, to the inspection of all persons interested, for seven days before the audit ; and all such persons shall be at liberty to take copies of or ex-

Power to auditor to require production of books.

¹ See 4 & 5 Will. 4, c. 76, ss. 99, 101 ; 11 & 12 Vict. c. 43, s. 11 ; and 12 & 13 Vict. c. 103, s. 9.

Report of
auditor.

tracts from the same, without fee or reward; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of the notice of audit on any proceeding whatsoever:

- (5.) Within fourteen days after the completion of the audit, the auditor shall report upon the accounts audited and examined, and shall deliver such report to the clerk of the local board, who shall cause the same to be deposited in the office of the local board, and shall publish an abstract of such accounts in some one or more of the newspapers circulated in the district.

* * * * *

21 & 22 VICT. CAP. 101.

AN ACT to amend the Act of the Eighteenth and Nineteenth years of Her present Majesty, chapter sixty-three, relating to Friendly Societies. [2nd August, 1858.]

* * * * *

No money to be paid on the death of a child without a certificate signed by a medical practitioner.

II. The tenth section of the said Act¹ shall be repealed, and instead thereof be it enacted:

In any society in which a sum of money may be insured, payable on the death of a child under the age of ten years for the funeral expenses of such child, it shall not be lawful to pay any sum so insured unless the person who shall apply for such payment shall produce a certificate, signed by a qualified medical practitioner,² stating the probable cause of death of such child; and if any trustee or officer of such society, upon an insurance of a sum payable on the death of any child under the age of ten years, shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one society for the funeral expenses of a child under the age of five years to a sum exceeding six pounds, or of a child between the ages of five and ten years to a sum exceeding ten pounds, or shall pay any sum without indorsing the amount thereof on the back or at the foot of the medical certificate aforesaid; or if any parent or other person, who shall apply for such payment to more than one society, shall produce to the trustees or officers of one society any other or different certificate than that which he shall have produced to the trustees or officers of any other society, such trustee, officer, or parent, or other person shall be liable to a penalty not exceeding five pounds for every such act, upon conviction before two justices of the county or borough in which such child shall have died: Provided that if the said child shall have been attended immediately before its death by the medical officer of any union on

¹ *i.e.*, 18 & 19 Vict. c. 63.

² See 21 & 22 Vict. c. 90, s. 37.

account of such union, he shall deliver to the parents or friends of the deceased child, upon their application, a certificate stating the probable cause of death of such child, and shall not be entitled to receive any fee for the same; and if such child shall not have been attended by such medical officer as aforesaid, nor by any qualified medical practitioner, the medical officer of the union or parish in which such child shall have been resident shall deliver to the parents or friends of the deceased child, upon their application, a certificate stating the probable cause of death of such child, and shall be entitled to receive from the parties applying for the same a fee of one shilling.

21 & 22 VICT. CAP. 104.*

AN ACT to alter and amend the Metropolis Local Management Act (1855), and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis.

[2nd August, 1858.]

WHEREAS it is necessary, with a view to the health of the metropolis, that works should be speedily undertaken and completed for the purification of the Thames and for the improvement of the drainage of the metropolis, and for this purpose it is expedient that the Act of the session holden in the eighteenth and nineteenth years of Her Majesty, "for the better Local Management of the Metropolis," should be amended: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

* * * * *

X. The metropolitan board of works shall during forty years from the time of the passing of this Act assess and cause to be raised in each year, upon the city of London and the other parts of the metropolis, for the purposes of this Act, such sums as, in their judgment, will be equivalent to a rate of threepence in the pound upon the annual value of the property in the said city and other parts respectively, estimated according to the estimate or basis on which the county rate is assessed, or according to a like estimate; and the sums to be so assessed in each year may be assessed at one time or at several times, as the said board may think fit.

Metropolitan board of works to levy a rate of threepence in the pound on the property in the metropolis.

XI. In the assessments of the said metropolitan board under this Act, and in their precepts, and in the orders of vestries and district boards to be made in respect of such assessments, such sums shall be distinguished as being assessed for "The Metropolis Main Drainage Rate," and all such sums assessed upon the city of London shall be reimbursed to the

Such rate to be called "The Metropolis Main Drainage Rate."

chamberlain of the said city by means of a separate rate to be called "~~The~~ Metropolis Main Drainage Rate," to be levied under the direction of the commissioners of sewers of the said city, in like manner and subject to the like provisions as any rate which such commissioners are authorized to direct to be made under any Act relating to the sewerage of the said city, and all such sums assessed on other parts of the metropolis shall be levied by means of a separate rate to be called "The Metropolis Main Drainage Rate," in like manner and subject to the like provisions as the sewers rate to be made under the said Act of the eighteenth and nineteenth years of Her Majesty;¹ and the assessments of the said metropolitan board under this Act shall include the places mentioned in Schedule (C) to the said Act of the eighteenth and nineteenth years of Her Majesty, and the sums to be assessed thereon shall be raised by means of rates to be made and levied as therein provided in respect of the raising of moneys assessed by the said board.

All parts of the metropolis to be deemed to be equally benefited.

Assessments and precepts may be according to form in schedule.

Provisions applicable to other assessments of the metropolitan board to be extended to assessments under this Act.

Rates to be made by metropolitan board on default of vestries, &c., in payment of precepts.

XII. For the purposes of the assessments under this Act, all the parts of the metropolis shall be deemed to be equally benefited by the expenditure under this Act.

XIII. The assessments to be made by the metropolitan board of works, and the precepts for obtaining payment of any moneys assessed thereby, may be according to the forms contained in the schedule to this Act or to the like effect.

XIV. All the provisions of the said Act concerning the estimate on which assessments by the said metropolitan board shall be made, and for and in relation to the assessing, raising, and enforcing payment of the sums assessed by the said board, shall, subject to the provisions of this Act, extend and apply to and in the case of all sums to be assessed by the said board under this Act;² provided that the metropolis main drainage rate, and the sums assessed or raised for or in respect thereof, shall not be subject to any mortgage or security made or to be made by the metropolitan board of works, other than securities under this Act; but, save as aforesaid, the powers of borrowing and of assessing and rating vested in the said board before the passing of this Act shall not be prejudiced or affected by this Act.

XV. The said metropolitan board may, in case of any default or neglect of any vestry, district board, or other body or person to pay the amount required by any precept of the said board, or any part of such amount, within such time and in such manner as may be mentioned in such precept in that behalf, raise and levy the money required by the said board for the purposes of this Act in any parish, district, or part, and for that purpose may make and levy a rate of such amount in the pound on the annual value of the property rateable as will,

¹ See 18 & 19 Vict. c. 120, s. 158.

² See *ibid.* ss. 158 to 168.

in their judgment, having regard to all circumstances, be sufficient to raise the money so required as aforesaid; and such rate shall be levied on the persons and in respect of the property by law rateable to the relief of the poor in such parish, district, or part, subject to the provisions in the said Act of the eighteenth and nineteenth years of Her Majesty contained concerning the levying of moneys by overseers in pursuance of orders made upon them by vestries under the said Act,¹ and shall be assessed upon the net annual value of such property ascertained by the rate for the time being for the relief of the poor; and the said board may appoint one or more collectors for levying any such rate, and pay him or them any salary, poundage, or allowance in respect of their employment under this enactment which such board may deem just and reasonable, and shall take such security from every such collector for the due execution of his duty as they shall think reasonable and proper; and the said board, and the collector or collectors to be appointed by them, shall have the same powers, remedies, and privileges as for levying money for the relief of the poor; and all such rates shall be allowed in the same manner, and be subject to the same provisions in relation to appeal² and to excusing persons from payment on account of poverty and otherwise,³ as the rate for the relief of the poor; and all the expenses of and incidental to the preparing, making, collecting, and levying any such rate shall be raised and levied by the said metropolitan board in addition to but as part of the said rate; and after deduction by the said board of the expenses, all moneys levied or received under or in respect of the said rate shall be paid by the said board into the Bank of England, to the same account and for the same purposes as hereinafter mentioned concerning moneys payable under the precepts of the said board in respect of the metropolitan main drainage rate; provided also, that the provisions of sections one hundred and sixty-three, one hundred and sixty-four, and one hundred and sixty-nine of the said Act of the eighteenth and nineteenth years of her present Majesty shall be applicable to every rate under this Act.

XVI. The provisions of section one hundred and seventy-one of the said Act of the eighteenth and nineteenth years of Her Majesty, for enabling the clerk or other person or persons authorized by the metropolitan board of works to inspect or take copies of or extracts from county rates, bases, returns, and other documents, and the penalties by the said enactment prescribed in the case of neglect or refusal to permit any such clerk or person to inspect or to take copies or extracts, are hereby extended and made applicable to all other rates and

Extension of provisions as to inspection, &c., of county rates to other rates and taxes.

¹ See 18 & 19 Vict. c. 120, ss. 158 to 168. Will. 4, c. 96; and 25 & 26 Vict. c. 103.

² See 43 Eliz. c. 2, s. 4; 17 Geo. 2, c. 38, s. 6; 41 Geo. 3, c. 23; 6 & 7

³ See 54 Geo. 3, c. 170, s. 11.

assessments, whether parochial or otherwise, within the several parts of the metropolis, and the books in which the same are contained, and the valuations and returns relating thereto, and the person or persons having the custody or control thereof.

Metropolitan board may require to be furnished with copies of poor rates.

XVII. It shall be lawful for the said board, by order in writing, to require the vestry clerk, overseer, collector, or other person having the custody or control of any rate for the relief of the poor in any parish or place, to furnish within such period, not being less than seven days, as shall be limited in such order, or of such part or parts of the said rate as shall be specified in such order, on payment or tender for such copy at the rate of sixpence for every twenty-four names (inclusive of all the particulars in the several columns of the rate, so far as such particulars have reference to such names respectively); and the said copy shall be examined by and signed by such vestry clerk, overseer, collector, or other person, and shall be verified by his solemn declaration, if the said board shall require the same, which solemn declaration any justice of the peace, or commissioner duly authorized, is hereby authorized to administer; and any person having the custody or control of such rate who shall refuse or neglect to make and deliver to the said board, or any person by them authorized to receive the same, such copy or extract, or to make such solemn declaration as aforesaid, shall be liable to a penalty not exceeding ten pounds for every such offence, and to a further continuing penalty of ten pounds for each and every day during which the said offence shall be continued.

* * * * *

The rate under this Act may be determined when the money borrowed is repaid.

XXII. If the whole amount raisable under this Act shall have been raised and paid off by means of the rates levied under this Act before the expiration of the said period of forty years,¹ the metropolitan board of works, with the consent of the commissioners of Her Majesty's treasury, shall discontinue the assessment for "The Metropolis Main Drainage Rate;" and any surplus of the moneys arising from the rates levied under this Act which may remain after such payment shall be applicable towards defraying the expenses of the said board.

* * * * *

Recited Act and this Act to be as one.

XXXIII. The said Act of the eighteenth and nineteenth years of Her Majesty and this Act shall be read together as one Act.

SCHEDULE (A).

Form of Assessment by Metropolitan Board of Works.

An assessment by the metropolitan board of works in exercise of the powers vested in such board by the Act of the nineteenth year of Queen Victoria, for the better local manage-

¹ See s. 10, *ante*.

ment of the metropolis, and by the other Acts for amending the same, upon the city of London and the other parts of the metropolis, for "The Metropolis Main Drainage Rate," of the sums hereinafter specified, such sums being in the judgment of the said board equivalent to a rate of threepence in the pound upon the annual value of the property in the said city and other parts respectively, estimated according to the estimate or basis on which the county rate is assessed, or according to a like estimate:—

Parish, District, or Part.	Sums assessed.
City of London	£
Parish of St. Marylebone	

SCHEDULE (B).

Form of Precept by Metropolitan Board of Works.

To the vestry of the parish of

By virtue of an Act passed in the nineteenth year of Queen Victoria, for the better local management of the metropolis, and the several Acts amending the same, the metropolitan board of works do issue this their precept, under their common seal, to you the said vestry, and do hereby require you to pay, on or before the day of into the Bank of England, to the credit of the account standing in the books of the governor and company of the said Bank in the names of the same being persons duly appointed by the commissioners of Her Majesty's treasury in this behalf, the sum of assessed by the said board upon the said parish for "The Metropolis Main Drainage Rate."

Dated this day of

(L.S.)

22 VICT. CAP. 1.

AN ACT more effectually to prevent danger to the Public Health from Places of Burial. [25th March, 1859.]

WHEREAS by section twenty-three of an Act passed in the session holden in the twentieth and twenty-first years of Her Majesty, chapter eighty-one, "to amend the Burial Acts," it c. 81. was enacted that it should be lawful for Her Majesty, upon the representation of one of Her Majesty's principal secretaries of state, by and with the advice of her privy council, from time to

time to order such acts to be done by or under the direction of the churchwardens or such other persons as might have the care of any vaults or places of burial, for preventing them from becoming or continuing dangerous or injurious to the public health; and such churchwardens or other persons should do or cause to be done all acts ordered as aforesaid, and the expenses incurred in and about the doing thereof should be paid out of the poor rates of the parish: And whereas it is expedient to amend the said enactment as hereinafter mentioned: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Where persons having the care of a place of burial neglect to comply with order in council, the churchwardens may act in their stead.

I. Where it appears to one of Her Majesty's principal secretaries of state, on the representation of any person authorized by him to inspect any vaults or places of burial in relation to which an order in council has been or shall have been issued under the said recited enactment, that any acts which by such order in council are ordered to be done by or under the direction of persons other than churchwardens having the care of such vaults or place of burial are not done or performed within a reasonable time, and according to the intent of such order in council, it shall be lawful for such secretary of state, by writing under his hand, to authorize and direct the churchwardens of the parish in which such vaults or place of burial may be situate forthwith to do or complete the acts in such order in council mentioned, or such of them as remain undone, and such order of the secretary of state shall be obeyed by such churchwardens, and they and all persons acting under their directions shall have the same power of entering and doing all such acts upon the premises to which the order in council relates as if the said acts had by the order in council been directed to be done by such churchwardens, and such vaults or place of burial had been under their care; and any person who shall obstruct such churchwardens or any others acting under their direction in relation to the premises, or remove or interfere with the works done by such churchwardens, shall be guilty of a misdemeanor.

This and recited Act to be as one.

II. This Act shall be read together with the said Act of the twentieth and twenty-first years of Her Majesty and the Burial Acts therein mentioned¹ as one Act.

¹ *i. e.* 15 & 16 Vict. c. 85; 16 & 17 Vict. c. 134; 17 & 18 Vict. c. 87; 18 & 19 Vict. c. 128.

22 VICT. CAP. 21.

AN ACT to amend the Medical Act (1858).

[19th April, 1859.]

WHEREAS by an Act passed in the last session of Parliament, 21 & 22 Vict. chapter ninety, "The Medical Act," provision is made for the c. 90. registration of members of the medical profession, and certain disabilities are imposed, after the first day of January one thousand eight hundred and fifty-nine, on members of the profession who are not then registered: And whereas, by reason of the time required for the collection and examination of the proper evidence on the first formation of "The Medical Register," it is expedient to amend the said Act as hereinafter mentioned: And whereas it is expedient that Schedule (D) of the aforesaid Act should be amended: And whereas in Sections thirty-one and forty-seven of the Medical Act (1858) the terms "fellow" and "member" of the Royal Colleges of Physicians of London and Edinburgh are made use of, whilst in Schedule (A) in the same Act "fellows," "licentiates," and "extra licentiates" of the said colleges are alone entitled to be registered: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. The first day of July one thousand eight hundred and fifty-nine shall be substituted, in sections thirty-two, thirty-four, thirty-six, and thirty-seven respectively of the said Act, for the first day of January one thousand eight hundred and fifty-nine;¹ and the said several sections, and all provisions of the said Act having reference thereto, shall be construed and take effect as if the word July had been originally inserted in each of the said sections instead of the word January.

II. Section thirty-three of the said Act shall be repealed, and no person shall by reason of the said Act be or be deemed to have been disqualified to hold such office as mentioned in the said section thirty-three, or any appointment mentioned in the said section thirty-six, unless he shall have failed to be registered on or before the first day of July one thousand eight hundred and fifty-nine.²

III. The fourth column of Schedule (D) of the said Act with its heading shall be repealed and omitted.

¹ See 23 Vict. c. 7, s. 3.² See 23 Vict. c. 7, s. 4.

1st July 1859
to be substituted in
ss. 32, 34, 36,
and 37, of re-
cited Act for
1st Jan. 1859.

Section 33 of
recited Act
repealed.

Fourth column of Schedule (D) repealed.

The term
"member"
to be added
in first and
second heads
of Sch. (A.)
The words
"forty-six"
to be sub-
stituted for
"forty-five"
in Sch. (A.)

IV. The term "member" shall be added after the term "fellow" to the qualifications described in the first and second heads of Schedule (A).

V. And whereas in Schedule (A) of the said Act there is a reference to section "forty-five," but the word "five" is there inserted by mistake: Now it is hereby enacted, that the words "forty-six" shall be deemed to be substituted in this schedule in the place of the words "forty-five."

* * * * *

22 VICT. CAP. 27.

AN ACT to facilitate Grants of Land to be made near populous Places for the use of regulated recreation of Adults, and as Playgrounds for Children.

[19th April, 1859.]

WHEREAS the want of open public grounds for the resort and recreation of adults, and of playgrounds for children and youth, is much felt in the metropolis and other populous places within this realm, and by reason of the great and continuous increase of the population and extension of towns such evil is seriously increasing, and it is desirable to provide a remedy for the same: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Lands may be
conveyed to
trustees, to be
held by them
as public
grounds, &c.

I. Any lands may be lawfully conveyed to trustees, to be held by them as open public grounds for the resort and recreation of adults, and as playgrounds for children and youth, or either of such purposes, and for any estate, and subject to any reservation, restrictions, and conditions which the donor or grantor may think fit: But this enactment shall not extend to authorize any lands to be so conveyed for any greater estate or interest than the donor or grantor would, independently of this Act, have power to dispose of.

Form of
conveyance.

II. Any such conveyance of land to trustees may be in the following form, subject to any modification thereof which the case may require:

"I, A. B., do hereby convey and grant to trustees for public ground for the parish [or parishes] of [here describe the lands conveyed or granted], to be held by them as public ground for the purposes of 'The Recreation Grounds Act, 1859.'"

And it is hereby enacted, that the grant or conveyance of such lands shall not require enrolment, nor to be by indenture, and shall be valid, although the donor or grantor shall die within

twelve calendar months after the making of such grant, any of the provisions of the Act passed in the ninth year of the reign of King George the Second, chapter thirty-six, to the contrary notwithstanding.

III. With respect to lands belonging to any municipal corporation, such grant may be lawfully made by the body corporate, with the consent of the commissioners of Her Majesty's treasury, signified by their executing the deed of conveyance. How grants of lands belonging to municipal corporations may be made.

IV. With respect to lands belonging to any parish, such grant may and shall be made by the trustees or feoffees (if there shall be such), or otherwise by the churchwardens and overseers of the parish, in pursuance of a resolution for that purpose of the vestry or other body having the management of the affairs of such parish, passed in meeting duly assembled for the purpose, and with the approbation of the poor law board, to be testified by their seal being affixed to the deed of conveyance. How grants of lands belonging to parishes may be made.

V. With respect to the appointment of trustees for holding any such grounds for the purpose aforesaid, the lord of any manor, or the churchwardens of any parish, or the overseers of the poor of any parish or township, or all or any of such persons to whom lands shall have been conveyed as aforesaid, shall be a body corporate for taking, holding, and disposing of such grounds, and instituting, maintaining, and defending any proceedings relating thereto; but the management and direction of the same shall be and remain in such persons as may be named in the deed of conveyance thereof; and in case no such persons shall be so named, or there shall be a failure of such managers and directors, the charity commissioners for England and Wales shall have power to settle a scheme for the appointment of the managers and directors. Appointment of trustees.

VI. The managers and directors may from time to time make and enforce any such byelaws, orders, and regulations for the management, preservation, disposition, and care of the said grounds, and the government of all persons using or frequenting the same, as shall be approved by the said commissioners and in accordance with the conditions of the grant; and no byelaws, orders, or regulations in any manner restricting the public use or enjoyment of the said grounds shall be valid unless sanctioned with such approbation. Managers and directors may make and enforce byelaws and regulations subject to the approval of said commissioners.

VII. It shall be lawful for any person to bequeath any personal property, not exceeding one thousand pounds in amount, for the purpose of defraying the expenses of purchasing, preparing, maintaining, and preserving such grounds for the purposes aforesaid, and ornamenting the same. Personal property may be bequeathed for purposes of grounds.

VIII. This Act shall extend to England and Ireland only, and may be cited for all purposes by the title of "The Recreation Grounds Act, 1859." Extent of Act, and short title.

22 VICT. CAP. 29.

AN ACT to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.

[19th April, 1859.]

WHEREAS by the Act of the twentieth year of Her Majesty, chapter eighteen, certain provisions made by the several Acts therein referred to for charging upon the common fund of the union the costs of the relief and of the burial of certain poor persons, in those several acts described, and the costs of removing and maintaining certain lunatic paupers, were continued until the thirtieth day of September in last year, and to the end of the then ensuing session of parliament; and it is expedient that such provisions should be further continued for a limited time: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Temporary provisions of recited Act further continued.

I. That all the said temporary provisions¹ continued by the said Act of the twentieth year of Her Majesty, chapter eighteen, shall further continue in full force until the thirtieth day of September one thousand eight hundred and sixty, and to the end of the then next session of parliament.²

22 & 23 VICT. CAP. 1.

AN ACT to provide for the authentication of certain orders of the Privy Council in the absence of the Clerk of the Council in Ordinary.

[21st July, 1859.]

WHEREAS certain orders of Her Majesty's privy council are by the Acts of Parliament which provide for the issue thereof required to be certified or authenticated under the hand of the clerk in ordinary of the said council, and delay and inconvenience may arise in the event of such clerk in ordinary being prevented by illness or otherwise from the discharge of his duty: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Person authorized by I. Whenever Her Majesty shall, with the advice of her privy council, make provision for the performance of the

¹ See 11 & 12 Vict. c. 110, ss. 1, 3; 12 & 13 Vict. c. 103, s. 1; 13 & 14 Vict. c. 101, s. 1; 14 & 15 Vict. c. 105, s. 1; 15 & 16 Vict. c. 14; 16 & 17 Vict. c. 77; 17 & 18 Vict. c.

43; 18 & 19 Vict. c. 47; and 20 Vict. c. 18.

² Made perpetual by 24 & 25 Vict. c. 53, s. 8.

duties of the clerk of the said council in ordinary in the event of his absence, any person acting under the authority of the order in council in this behalf shall, in relation as well to the signing, certifying, and issuing of orders of Her Majesty in council, or of the Lords and others of Her Majesty's privy council, under any Acts of Parliament as to the other duties of the office, have and perform all the powers and functions and be in the place of the clerk of the said council in ordinary.¹

Her Majesty in council to act in the absence of the clerk of the council in ordinary may sign orders under acts of parliament, &c.

22 & 23 VICT. CAP. 3.

AN ACT to amend and make perpetual "The Public Health Act, 1858." [1st August, 1859.]

WHEREAS an Act was passed in the session holden in the 21 & 22 Vict. twenty-first and twenty-second years of Her Majesty (chapter c. 97. ninety-seven) "for vesting in the Privy Council certain Powers for the Protection of the Public Health," which Act was to be in force only until the first day of August, one thousand eight hundred and fifty-nine; and it is expedient that section eight of the said Act should be repealed, and that, except such section, the said Act should be made perpetual: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Section eight of the said Act shall be repealed,² and, except the said section, the said Act shall be made perpetual, except s. 8. and the same is hereby made perpetual.

22 & 23 VICT. CAP. 32.

AN ACT to amend the Law concerning the Police in Counties and Boroughs in England and Wales. [13th August, 1859.]

* * * * *

V. So much of the Acts passed in the second and third years of Her Majesty, chapter twenty-eight, for more equally assessing watch rates in certain Boroughs,³ and of the Act passed in the third and fourth years of Her Majesty, chapter twenty-eight,⁴ as provides that the amount of watch rate to be levied

Limitation of borough watch rate, under 2 & 3 Vict. c. 28, and 3 & 4 Vict. c. 28 repealed.

¹ See 21 & 22 Vict. c. 97, s. 7.

² See 24 & 25 Vict. c. 59, s. 2.

³ See 2 & 3 Vict. c. 28, s. 1.

⁴ See 3 & 4 Vict. c. 28, s. 2.

by the council of any borough shall not exceed in any one year the rate or sum of sixpence in the pound, or otherwise limits the discretion of the said council in relation to the amount of such rates, shall be repealed.

Rates under
the said Acts
not to exceed
8d. in the
pound.

VI. The watch rates levied under the authority of the said Act (*sic*) may be of any amount, at the discretion of the council, not exceeding in any one year the sum of eightpence in the pound.

22 & 23 VICT. CAP. 44.

AN ACT to continue the Act for the Exemption of Stock in Trade from Rating. [13th August, 1859.]

3 & 4 Vict.
c 89.

WHEREAS an Act was passed in the fourth year of the reign of Her present Majesty, intituled "An Act to exempt until the thirty-first day of December one thousand eight hundred and forty-one Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such in respect to Stock in Trade or other Property to the Relief of the Poor:" And whereas the said Act has been since continued by sundry Acts until the first day of October in the year one thousand eight hundred and fifty-nine;¹ and it is expedient that the said Act should be further continued: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the said Act shall continue in force until the first day of October in the year one thousand eight hundred and sixty-two, and to the end of the then next session of parliament.²

Recited Act
further con-
tinued.

22 & 23 VICT. CAP. 49.

AN ACT to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts.

[13th August, 1859.]

WHEREAS it is expedient to define and limit the period during which any debt hereafter incurred by guardians of unions or parishes or by district boards of management in the administration of the laws for the relief of the poor may be paid, and to make provision in respect of debts heretofore lawfully

¹ The 19 & 20 Vict. c. 42, is the last previous continuing Act.

² See 26 & 27 Vict. c. 95, Sch.

incurred by them, for payment of the same; Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. With respect to any debt, claim, or demand which may, after the passing of this Act, be lawfully incurred by or become due from the guardians of any union or parish, or the board of management of any school or asylum district, such debt, claim, or demand shall be paid within the half-year in which the same shall have been incurred or become due, or within three months after the expiration of such half-year, but not afterwards, the commencement of such half-year to be reckoned from the time when the last half-year's account shall or ought to have been closed according to the order of the poor law commissioners or poor law board.¹ Provided that the poor law board, by their order, may, if they see fit, extend the time within which such payment shall be made for a period not exceeding twelve months after the date of such debt, claim, or demand.

When debts in future are to be paid.

Power to the poor law board to extend the time.

II. With respect to any debt, claim, or demand which may have been lawfully incurred by any such guardians or board of management or on their account before the passing of this Act, they may, if they think proper, pay within twelve months after the passing of this Act, out of the funds in their possession, any such debt, claim, or demand which may have been so incurred or have become due within two years before the date of this Act, and may, within the said period of twelve months, make provision for the payment of any debt, claim, or demand lawfully incurred as aforesaid which shall have become due from them at some time beyond two years but not beyond six years from such date in full at once, or by equal annual instalments, not exceeding five, if the poor law board, after open and public investigation, during which counsel or solicitors may appear and witnesses may be examined on both sides, when the same shall be required by any ratepayer of the union, parish, or district, shall be satisfied that no fraud, collusion, or neglect of the general rules of the poor law board respecting the contraction or discharge of such debt, claim, or demand have been committed by the party to whom such claim or demand is alleged to be due, and that such party has not been accessory to any fraud on such guardians or board of management, and shall give their consent in manner aforesaid to such payment; and such guardians or board respectively shall charge every such payment to the account to which the same should have been charged if the payment had been made in due time; and the president or secretary of the poor law board shall, within one calendar month after the expiration of such period of twelve months as aforesaid, if parliament be then sitting,

As to payment of debts incurred before the passing of this Act.

¹ See Article 20 of the Accounts Order in Glen's "Poor Law Board Orders," 4th & 5th editions.

ting, or if not, then within one calendar month after the next meeting thereof, lay or cause to be laid before both houses of parliament a return of all such payments as shall have been made or authorized under the power lastly hereinbefore contained.¹

Provision for charges on the rates.

III. Where any sum shall have been or shall be borrowed by any guardians or managers, and the debt shall have been or shall be charged by the said guardians upon the poor rates, under the authority of any statute, and the same shall be made payable on a day certain, the time of limitation prescribed by this Act for payment of debts shall commence on that day; where it shall not have been made payable on any day certain, then on the expiration of twelve months from the day when the money was advanced; and in the case of any debt repayable by instalments each instalment shall be payable within one year next after the day when the same shall fall due, unless the said board shall in any of the cases provided for in this section allow an extension of the time for the payment not exceeding six months; and the interest payable in every case hereby provided for shall be payable within the like times only as the principal.

Provision for actions against guardians or managers.

IV. If any person claiming any debt or demand shall have commenced or shall hereafter commence proceedings in any court of law or equity, or before any justice or other competent authority, within the time hereinbefore limited, or within the time to which the poor law board may grant extension, and shall with due diligence prosecute such proceedings to judgment or other final settlement of the question, such judgment shall be satisfied by the guardians or managers against whom or against whose officer the same may be brought, notwithstanding that such judgment may be recovered or such final settlement arrived at after the expiration of the period hereinbefore provided, and all proceedings taken by mandamus or otherwise for the enforcing of such judgment without delay shall be deemed to be within the operation of this section.

Payment of attorney's bills, delay of.

V. Where the guardians or managers shall be engaged in a suit, action, or proceedings in any court they shall not be required by any rule of law or provision herein contained to pay the bill of costs of any solicitor or attorney retained by them for the purpose thereof until the final determination of such suit or proceeding, or until he shall cease to be so retained by or for them therein; but the bill of costs of such solicitor or attorney shall be duly taxed and paid within the term of one year next after such final determination of the said suit, proceeding, or retainer, and not afterwards, unless the poor law board shall authorize an extension of time not exceeding six months; provided that if the said solicitor or attorney take proceedings for the recovery of his bill within such time or the

¹ This section is now "spent," but nevertheless it has been considered desirable to retain it in this collection of poor law statutes.

extension thereof, he shall in such case have the same right to be paid as in section four; provided also, that nothing herein contained shall prevent the guardians or managers from paying money at any time on account of the suit or proceeding.¹

VI. No call or order for contribution made by any guardians, nor any poor rate made to meet such call or order, shall be deemed to be illegal on the ground that the same is made to provide for any debt, claim, or demand, the payment whereof is authorized by this Act, or on the ground that the said call or order for contribution includes a balance due from any parish or parishes at the time when the half-yearly accounts are made up and balanced as aforesaid.² Provided always, that when the fund out of which any such debt, claim, or demand should have been discharged shall have been already paid by any parish to the board of guardians of any union, and shall not have been applied for that purpose, any funds which may be required to be again contributed to discharge such debt, claim, or demand shall be levied on each parish in the union in proportion to the rateable value of each such parish.

No call or order to be invalidated.

VII. The words used in this Act shall be construed in like manner as the same words are directed to be construed by the Act of the fourth and fifth years of King William the Fourth, chapter seventy-six, or any subsequent Act amending or explaining the same.³

22 & 23 VICT. CAP. 65.

AN ACT for amending the Acts for the better Regulation of Divisions in the several Counties of England and Wales.
[13th August, 1859.]

WHEREAS by an Act passed in the ninth year of his late Majesty King George the Fourth, intituled "An Act for the better Regulation of Divisions in the several Counties of England and Wales," the court of quarter sessions is empowered, in certain cases, to make orders for altering existing divisions and for constituting new divisions for holding petty and special sessions:⁴ And whereas an Act for more effectually executing the said recited Act was passed in the tenth year of His said late Majesty,⁵ and another Act for amending the said recited Act was passed in the sixth year of his late Majesty William the Fourth: And whereas doubts have arisen whether under the said first herein-recited Act the justices therein mentioned are empowered to divide any parish, tything, township, or place for the purpose of including any part or parts thereof respec-

¹ See 11 & 12 Vict. c. 91, s. 2.

² See 24 & 25 Vict. c. 55, s. 11.

³ See 4 & 5 Will. 4, c. 76, s. 109.

⁴ See 9 Geo. 4, c. 43, s. 7.

⁵ See 10 Geo. 4, c. 46, s. 1.

tively in any division constituted under the said Acts or any or either of them: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Justices may divide parishes, &c. for constituting divisions of counties.

I. It shall be lawful for the said justices, if they shall think fit, to divide any parish, tything, township, or place for the purpose of altering or constituting such divisions, and after any order of the said justices for altering or constituting any division under the said Acts shall have taken effect the part or parts of any parish, tything, township, or place included in any division altered or constituted by such order shall be deemed and taken to be part of such division for all the purposes of the said Acts, but not further or otherwise.

Court to make order in respect of the appointments and duties of officers.

II. Whosoever the court of quarter sessions shall, under the provisions herein or in the said recited Acts contained, make an order for dividing any parish, tything, township, or place for the purpose of altering or constituting such divisions as aforesaid, and it shall appear to the court that any inconvenience may arise therefrom in or respecting the appointment or duties of any bailiffs, constables, or tythingmen, surveyors, overseers of the poor, or other officers or persons, the court of quarter sessions shall or may, at the same or at any future sessions, make such order in respect of the said appointments and duties as the court shall deem necessary or expedient.

23 VICT. CAP. 7.

AN ACT to amend the Medical Acts.

[23rd March, 1860.]

21 & 22 Vict. c. 90.

22 Vict. c. 21.

WHEREAS by an Act passed in the twenty-first and twenty-second years of the reign of Her Majesty, chapter ninety, intitled "The Medical Act," provision is made for the registration of members of the medical profession, and the said Act was amended by an Act passed in the twenty-second year of the reign of Her Majesty, chapter twenty-one; and certain disabilities are imposed by the said Acts, after a period mentioned therein, on members of that profession who are not then registered: And whereas it is expedient that the said recited Acts should be amended as hereinafter mentioned: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Licentiates in surgery of any

I. From and after the passing of this Act the diploma or licence in surgery, granted by any university of that part of the

United Kingdom called Ireland, legally authorized to grant the same, shall be considered a sufficient qualification to practise under the said first-recited Act, and every person to whom such diploma or licence has been granted shall be entitled to be registered under the provisions of the said first-recited Act, in the like manner, and with the like effect, and subject to the like provisions as are prescribed by the said first-recited Act in respect to the registration of any master in surgery of any university of the United Kingdom.¹

* * * * *

III. The first day of January, one thousand eight hundred and sixty-one, shall be deemed to be substituted in sections thirty-two, thirty-four, thirty-six, and thirty-seven respectively of the said first-recited Act, as the same are amended by the said second-recited Act, for the first day of July, one thousand eight hundred and fifty-nine, so far as the same relate to any person authorized to be registered under this Act; and the said several sections, as so amended, and all the provisions of the said Act having reference thereto, shall, with respect to any such person so authorized to be registered under this Act, be construed and take effect as if the words "the first day of January, one thousand eight hundred and sixty-one" had been originally inserted in each of the said sections instead of the words "the first day of July, one thousand eight hundred and fifty-nine."

IV. No person authorized to be registered under this Act who shall be acting as medical officer under an order of the poor law commissioners, or poor law board, shall by reason of the said recited Acts, or either of them, be or be deemed to have been disqualified to hold such office, or any appointment mentioned in section thirty-six of the said first-recited Act, unless he shall have failed to be registered on or before the first day of January, one thousand eight hundred and sixty-one.²

V. The said recited Acts and this Act shall be construed together as one Act.

VI. This Act may for all purposes be cited as "The Medical Acts Amendment Act, 1860."

23 VICT. CAP. 15.

AN ACT for granting to Her Majesty certain Duties of Stamps. [3rd April, 1860.]

* * * * *

III. All the powers, provisions, clauses, regulations, directions, allowances, and exemptions,³ fines, forfeitures, pains, and

Provisions of former Acts to apply.

¹ See 21 & 22 Vict. c. 90, s. 15, and Sch. (D.)

² See *ibid.* s. 36; and 22 Vict. c. 21, s. 2.

³ See 4 & 5 Will. 4, c. 76 s. 86, *post.*

penalties, contained in or imposed by any Act or Acts, or any schedule thereto, relating to any duties of the same kind or description, heretofore payable in the United Kingdom, and in force at the time of the passing of this Act, shall respectively be of full force and effect with respect to the duties by this Act granted, and to the vellum, parchment, paper, instruments, matters, and things charged and chargeable therewith, and to the persons liable to the payment of the said duties, so far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually, to all intents and purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the duties by this Act granted.¹

* * * * *

23 & 24 VICT. CAP. 51.

AN ACT to provide for an annual Return of Rates, Taxes,
Tolls and Dues levied for local purposes in England.
[23rd July, 1860.]

WHEREAS rates, taxes, tolls, and dues to a large amount are levied for purposes of local government and improvements in England, and it is proper that parliament should be informed annually of all sums so levied, and the expenditure thereof, but in many cases no sufficient provision has been made for that purpose: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Clerks of
bodies em-
powered to
levy rates,
&c., to make
annual re-
turns to
secretary of
state.

I. The clerk to any corporation, justices, commissioners, district or other board, vestry, inspectors, trustees, or other body or persons authorized to levy or to order to be levied any of the rates, taxes, tolls, or dues mentioned in the schedule to this Act, or any other compulsory rates, taxes, tolls, or dues in England (other than such as are levied for the public revenue of the United Kingdom), shall make a return of the sums levied or received by or in respect of such rates, taxes, tolls, and dues, and of the expenditure thereof, to one of Her Majesty's princi-

¹ A similar provision to this, *mutatis mutandis*, is contained in the 23 & 24 Vict. c. 111 (s. 4), "An Act for granting to Her Majesty certain

Duties of Stamps, and to amend the laws relating to the Stamp Duties" (28th August, 1860).

pal secretaries of state in the month of June in every year; the first return to be made in the month of June, one thousand eight hundred and sixty-one.

II. Such returns shall be made for the latest period of twelve months preceding the month of June in each year for which the accounts of the corporation, justices, commissioners, board, inspectors, trustees, or other body or persons, shall be made up, and shall show the amounts levied and expended respectively, with such other particulars and in such form as shall from time to time be ordered by such secretary of state. Returns to be made for the latest year for which accounts are made up.

III. Where no clerk is appointed or acting, the treasurer or other officer keeping the accounts of the receipts and expenditure of the corporation, justices, commissioners, board, vestry, inspectors, trustees, or other body of persons by whom any rates, taxes, tolls, or dues hereinbefore mentioned are levied or ordered to be levied shall make the returns in relation thereto; and where any such rates, taxes, tolls, or dues are levied and expended or to be accounted for by churchwardens, chapelwardens, or any officers or persons not authorized to act as a board, such returns as hereinbefore mentioned in respect of such rates, taxes, tolls, or dues, and the expenditure thereof, shall be made by such churchwardens, chapelwardens, or other officers or persons, and they shall be severally liable in respect of any neglect to make the same. Who are to make returns in certain cases.

IV. Any clerk, treasurer, churchwarden, officer, or other person required as aforesaid to make such return who neglects so to do in the month of June in any year shall be liable to a penalty not exceeding twenty pounds for every such offence, to be recoverable on summary conviction thereof before two justices. Penalty for default.

V. Where any annual return is now by law required to be made to the secretary of state, or to any public department, under any Act of Parliament, this Act shall not render necessary any further or other return in respect of the same matters: Provided always, that the said secretary of state may, by his order published in the *London Gazette*, direct that all or any of such returns now required as aforesaid shall in future be made under this Act, and shall be subject to the provisions and penalties thereof. Saving for returns already required.

VI. The said secretary of state shall every year cause the returns transmitted to him under this Act to be abstracted, and the abstract thereof to be laid before both houses of parliament. Abstracts of returns to be laid before Parliament.

VII. This Act shall not extend to the rates levied for the relief of the poor, or the expenditure thereof, but the returns thereof shall continue to be made to the poor law board, as by the orders of such board shall from time to time be directed. Poor rate returns to be made to poor law board as heretofore.

VIII. This Act shall not extend to any tolls or dues taken by any railway, canal, or joint-stock company as profits of their undertaking, or to any tolls or dues taken by prescription or otherwise as private property. Saving for joint-stock companies and private rights of toll, &c.

SCHEDULE.

Church rates and chapel rates; whether made by the common law or under the Church Building Acts, or under any other Act of Parliament.

Sewers rates and "General Sewers Tax," and all rates, scots, and taxes levied by courts or commissioners of sewers; whether levied under the Acts of the 3 & 4 Will. 4, c. 22, and 4 & 5 Vict. c. 45, or under any other Act of Parliament, or by charter, usage, or custom.

Rates under the Act for the lighting and watching of parishes, 3 & 4 Will. 4, c. 90.

• Rates levied by improvement commissioners or other commissioners, or by any trustees or corporation acting under any local Act for the paving, draining, cleansing, or watching, improvement or regulation of any town or district.

Rates levied by or under the order of any vestry or district board, under the Act 18 & 19 Vict. c. 120, for the better local management of the metropolis.

Tolls and dues levied under the authority of parliament in respect of markets, bridges, or harbours.

23 & 24 VICT. CAP. 68.

AN ACT for the better Management and Control of the Highways in South Wales.¹ [6th August, 1860.]

14 & 15 Vict.
c. 16.

WHEREAS an Act was passed in the session holden in the fourteenth and fifteenth years of Her Majesty, chapter sixteen, for the better management and control of the highways in South Wales: And whereas in pursuance of the said Act the six counties of South Wales have been divided by the county roads boards of their respective counties into districts for the better repair and maintenance of the highways: And whereas it is expedient that the said Act should be repealed and other provisions be made in lieu thereof: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Recited Act
repealed, but
repeal not to
affect districts
or appoint-
ments.

I. The said Act shall be and is hereby repealed: Provided that nothing in this Act, except as hereinafter provided, shall in any way affect or alter the aforesaid highway districts, or the appointments of any officers, but such districts shall remain for the purposes of this Act, and such officers shall respectively hold office on the like tenure as if appointed under this Act.

* * * * *

¹ With reference to this Act, see Glen's "Law of Highways."

VII. The maintenance and repairs of the several highways^{Highways to} situate and being within the several districts which have been be continued or shall be hereafter formed, shall, subject to the authority of under the care the said county roads board, be under the care and manage- and manage- ment of local boards, to be styled Highway Boards, and which ing local are and shall hereafter be constituted in manner following; boards. that is to say, all persons who are now elected or who shall hereafter be elected guardians of the poor for the parish or parishes contained in such district during the period they are such guardians, and all Her Majesty's justices residing within or acting at any petty sessions within or holden for the district, shall constitute the highway board for such district, and such justices shall not by reason of being members of such highway board be incapable of acting as justices of the peace in the execution of this Act, or in any matters relating to the highways under the care and management of said board; and every such board shall be a body corporate by the style of the highway board for the district of (inserting the name of the highway district), and by that name shall have perpetual succession and a common seal, and sue and be sued, and have power and authority (without licence in mortmain) to hold lands for the purposes of the highways.

* * * * *

XXI. Every highway board, for defraying the repairs, ex- Expenses of penses, and apportioned part of expenses chargeable as afore- highway said on each parish within their district, shall from time to board, how to time, by order under their seal, require the overseers of such be defrayed. parish to levy, and to pay over to the treasurer of such board, or into any bank in such order mentioned, and within the time or times thereby limited, the sum which, after giving due credit to such parish for all penalties and other moneys received in respect thereof, such board may require for the purpose aforesaid (and any such order may be made wholly or in part in respect of expenses incurred at any time within six months before the making of the order, or of expenses to be thereafter incurred); and where any parish within the meaning of this Act is part only of any parish for which overseers are appointed, the highway board shall specify in their order the part of such last-mentioned parish on which any sum required by such board is to be levied.

XXII. The overseers of the poor of the parishes to whom Overseers to such orders as aforesaid are issued shall levy the amounts men- levy rates for tioned therein according to the exigency thereof, and shall for raising the that purpose make separate equal pound rates upon their money re- parishes, or the parts thereof respectively upon which the sums quired by specified in such orders are required to be levied, in respect of highway board. the sums thereby ordered to be levied, and shall make such rates of such amount in the pound on the annual value of the property rateable as will in their judgment, having regard to all circumstances, be sufficient to raise the sums specified in

such orders; and such rates shall be levied on the persons and in respect of the property by law rateable to the relief of the poor in the respective parishes, and shall be assessed upon the net annual value of such property, ascertained by the rate for the time being for the relief of the poor, provided that the rate shall also extend to such woods, mines, and quarries of stone, or other hereditaments, as were before the said Act of the fifth and sixth years of King William the Fourth usually rated to the highways; and the said overseers shall, for the purpose of levying such rates, proceed in the same manner, and have the same powers, remedies, and privileges, as for levying money for the relief of the poor, and all such rates shall be allowed in the same manner, and be subject to all the same provisions in relation to appeal and to excusing persons from payment on account of poverty, and otherwise, as the rate for the relief of the poor in the same parish; and such overseers shall pay to the treasurer of the highway board, or otherwise as in such orders directed, the sums mentioned in the orders within the time or respective times specified for that purpose, and the excess, if any, which may have been levied beyond such sums shall be placed to the credit of the parish or part in which the same has been levied; and the said overseers shall, at the time of making any such payment, deliver with the money a note in writing signed by them specifying the amount so paid, which note shall be kept as a voucher for the receipt of that particular amount; and the receipt of the treasurer of the board or of any proper officer or person of or belonging to any bank into which such money is so paid, specifying the amount paid to him by the overseers, shall be a sufficient discharge to the overseers for such amount.

* Power to highway board to direct paid collectors of poor rate to collect highway rate.

XXIII. In every parish in which a paid collector of poor rates shall have been or may hereafter be duly and legally appointed, every such collector shall, if the highway board so direct and authorize him, collect the highway rate for every such parish, and the highway board shall determine the salary or additional salary to be paid to every such collector, and every such collector shall have all the same powers, remedies, and privileges for the levying and enforcing the payment of such rates as the overseers of the poor have under this Act; and it shall be lawful for every highway board, and they are hereby required, to take security from every collector authorized to collect the highway rate under this Act, which security shall be to the full amount of the sum likely to be in the hands of the said collector at any one time.

Restriction in amount of rates.

XXIV. Provided always, that the rate or rates to be levied for defraying any expenses under this Act shall not exceed in any one year the amount in the pound of the rateable value of the property rateable thereto under this Act now by law limited in respect of the highway rate.¹

¹ See 5 & 6 Will. 4, c. 50, s. 29, in Glen's "Highway Laws."

XXV. In case the amount ordered by any such order as aforesaid to be paid by the overseers of any parish be not paid in manner directed by such order and within the time or times therein specified for that purpose, it shall be lawful for any two justices of the peace, upon the complaint by the board or by any person authorized by them for this purpose, to issue their warrant for levying the amount, or so much thereof as may be in arrear, by distress and sale of the goods of all or any of the said overseers, and in case the goods of all the overseers be not sufficient to pay the same the arrears thereof shall be added to the amount of the next levy which shall be directed to be made in such parish for the purposes of this Act, and shall be collected by the like methods.

XXVI. Any highway board may, in case of any default or neglect of any overseers to pay the amount required by any such order as aforesaid, within the time or times and in the manner directed by such order, appoint persons to levy any money required by such board for the purposes of this Act in any parish, and such persons shall proceed in the same manner, and have the same powers, remedies, and privileges, and be subject to the same regulations and penalties with reference to the levying of such money, as any overseers would have had or been subject to with reference to levying any such money in pursuance of an order of the highway board.

* * * * *

XXXI. The council of every borough having a separate commission of the peace may, by a resolution of such council at a meeting held for the purpose, in any year after the expiration of the time limited by law for the election of surveyors of highways for that year, or forty days at the least before the commencement of the time limited for such election, assume the powers of a highway board under this Act; but no such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in the manner in which notices of meetings of the council are by law required to be given, and two-thirds of the members present at the meeting concur in such resolution; and the chairman of any such meeting may, with the consent of a majority of the members present, adjourn the same from day to day; and notice of such resolution shall be certified under the seal of the corporation of such borough to the clerk of the peace of the county, or (if such borough be situate in more than one county) of each county in which the borough is wholly or in part situate.

XXXII. Any such council which may have assumed the powers of a highway board, by resolution passed and certified as aforesaid, shall, with respect to parishes and parts of parishes within such borough, have and be subject to the powers and obligations vested in or imposed on a highway board constituted under this Act with respect to parishes forming the district of such board, save that such powers shall not

Overseers on non-payment of the rate shall be distrained upon.

Special persons may be appointed to levy rates on default of overseers.

Councils of boroughs having commissions of the peace may by resolution assume the powers of highway boards.

Where resolution passed, council to have powers of highway board.

5 & 6 W. 4,
c. 76.

extend to authorize the appointment of a separate clerk or treasurer for the purposes of this Act; and the provisions of this Act applicable in the case of highway districts formed thereunder, to the highway board thereof, and their clerk, treasurer, and surveyor, shall, in the case of such borough, be respectively applicable to the council and to the town clerk and treasurer thereof, and to the surveyor of highways to be appointed by such council, as if such borough were a highway district constituted under this Act, and such council were the highway board thereof; and all acts to be done by such council by virtue of the powers conferred by this Act shall be done in like manner as if done by virtue of the said Act "for the Regulation of Municipal Corporations in England and Wales;" and any such council may, if they think fit, appoint a committee for the purposes of this Act, in like manner as for any of the purposes of such last-mentioned Act, the acts of such committee to be submitted as therein provided to the council, for their approval; provided nevertheless that the expenses incurred in the execution of this Act by the council of any borough or any committee of such council shall be defrayed in manner provided with respect to expenses of highway boards:¹ Provided always, that the powers of the council of a borough under this enactment shall not extend, nor shall its district as a highway board be deemed to include any parish or district under any board mentioned in the first section of this Act.

No parochial
surveyor to be
appointed
after the
passing of this
Act.

XXXIII. From and after the passing of this Act no parochial surveyor shall be elected or appointed in South Wales under the said Act of the fifth and sixth years of King William the Fourth, chapter fifty, for any parish comprised in such district: Provided always, that any surveyor whose powers are so to cease as aforesaid shall recover any highway rate made by him before the cesser of his powers, and remaining unpaid, in the same manner as if his power in other respects had not ceased, and the money so recovered shall be paid by him to the treasurer of the highway board of the district in which such parish is comprised under this Act; and in case such surveyor die or become incapable to act before all arrears of any such rate are recovered, the same may be recovered by the overseers of the poor, who shall have the like power for that purpose as such surveyor would have had, and shall pay the same to such treasurer as aforesaid.

* * * * *

Proceedings in
case highways
are not kept
in repair.

XL. From and after the passing of this Act, if any highway is out of repair, or is not well and sufficiently repaired and amended, an information thereof on the oath of one credible witness is given to any justice of the peace, it shall and may be lawful for such justice and he is hereby authorized and required

¹ See s. 21, *ante*.

to issue a summons requiring the surveyor of the district in which such highway is situated, or other person or body politic or corporate chargeable with such repairs, to appear before the justices at some petty sessions in the said summons mentioned to be held within the division in which the said highway may be situate, and the said justices shall either appoint some competent person to view the same, and report thereon to the justices in petty sessions assembled on a certain day and place then and there to be fixed, at which the said district surveyor or other party as aforesaid shall be directed to attend, or the said justices shall fix a day whereon they or any two of them shall attend to view the said highway; and if to the justices at such petty sessions, on the day and at the place so fixed as aforesaid, it shall appear, either on the report of the person so appointed by them to view, or on the view of the said justices, that the said highway is not in a state of thorough and effectual repair, they the said justices at such last-mentioned petty sessions shall make an order requiring the said district surveyor to repair the said highway within a time limited therein, and shall make an order requiring the overseers of the poor, or other party or body politic or corporate liable to the repair of the said highway, to pay to the treasurer, at such time or times as they shall direct, either in one sum or by instalments, a sum of money to be therein stated, which shall be equal in amount to the sum which the said justices shall on the evidence produced before them judge requisite for the repairing such highway; and in default of such money being paid within the time so limited, it shall be lawful for any two justices of the peace to issue their warrant for levying the amount of money, or so much thereof as may not be paid within the time limited, by distress and sale of the goods of the said overseers of the poor, and such money, when recovered, shall be applied to the repair of such highway; and in case more parties than one are bound to repair any such highway, the said justices shall direct in their order what proportion shall be paid by each of the said parties: Provided nevertheless, that the said justices shall not have power to make such orders as aforesaid in any case where the duty or obligation of repairing the said highway comes in question.

Power to
order high-
ways to be
repaired at the
expense of
the parties
liable.

If money not
paid the same
to be levied by
distress.

* * * * *

XLIV. This Act shall extend only to South Wales, and in the construction of this Act "South Wales" shall include and comprise the six counties following, and no others, viz., the counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan.

Act to extend
only to South
Wales.

XLV. In the construction of this Act, unless there be something in the subject or context repugnant to such construction, the word "parish" shall mean any parish, place, or district maintaining its own highways, or which, if this Act and the said Act of the fourteenth and fifteenth years of Her Majesty

Interpretation
of terms.

• had not been passed, would have maintained its own highways, and where part only of any such parish, place, or district is comprised in a highway district constituted under this Act shall mean such part; the word "borough" shall mean a borough according to the meaning of the Act of the session holden in the fifth and sixth years of King William the Fourth, "for the Regulation of Municipal Corporations in England and Wales,"¹ or any corporate place which since the passing of that Act has become subject to the provisions thereof; and the word "county" shall mean any county, riding, division, or liberty having a separate court of quarter sessions of the peace.

23 & 24 VICT. CAP. 75.

AN ACT to make better Provision for the Custody and Care of Criminal Lunatics. [6th August, 1860.]

39 & 40 G. 3.
c. 94.

3 & 4 Vict.
c. 54.

5 & 6 Vict.
c. 29.

6 & 7 Vict.
c. 26.

WHEREAS by the Act of the session holden in the thirty-ninth and fortieth years of King George the Third, chapter ninety-four, and the Act of the session holden in the third and fourth years of Her Majesty, chapter fifty-four, Her Majesty is empowered, where any person is charged with any such offence as therein mentioned, and acquitted on account of insanity, and where any person is indicted for any offence and upon an arraignment is found insane, to give order for the safe custody of such person during Her pleasure, in such place and in such manner as she may think fit; and by the said Act of the third and fourth years of Her Majesty one of Her Majesty's principal secretaries of state is empowered, upon such certificate as therein mentioned of the insanity of any person imprisoned as therein mentioned, to direct such person to be removed to such county lunatic asylum, or other proper receptacle for insane persons, as the said secretary of state may judge proper and appoint: And whereas by the Acts of the session holden in the fifth and sixth years of Her Majesty, chapter twenty-nine, and of the session holden in the sixth and seventh years of Her Majesty, chapter twenty-six, the said secretary of state is empowered to order any convict in Pentonville or Millbank prison becoming or found insane during confinement to be removed to such lunatic asylum as the said secretary of state may think proper: And whereas it is expedient that provision should be made for the custody and care of criminal lunatics in an asylum or asylums appropriated to that purpose: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

¹ See 5 & 6 Will. 4, c. 76, s. 142.

I. It shall be lawful for Her Majesty from time to time, by warrant under her royal sign manual, to appoint that any asylum or place in England which Her Majesty may have caused to be provided or appropriated, and may deem suitable for this purpose, shall be an asylum for criminal lunatics, and the provisions of this Act shall be applicable to every such asylum.

II. It shall be lawful for one of Her Majesty's principal secretaries of state, by warrant under his hand, to direct to be conveyed to and kept in any such asylum any person for whose safe custody during her pleasure Her Majesty is authorized to give order, or whom such secretary of state might direct to be removed to a lunatic asylum under any of the Acts hereinbefore mentioned,¹ or under any other Act of Parliament, or any person sentenced or ordered to be kept in penal servitude, who may be shown to the satisfaction of the secretary of state to be insane, or to be unfit from imbecility of mind for penal discipline; and the secretary of state may direct to be removed to and kept in such asylum any such persons as aforesaid, who, under any previous order of Her Majesty or warrant of the secretary of state, may have been placed and remain in any county lunatic asylum, or other place of reception for lunatics, and every person directed by the secretary of state to be conveyed or removed to and kept in an asylum under this Act, shall be conveyed to such asylum accordingly, and shall be kept therein until lawfully removed or discharged, and that with every person so conveyed or removed there shall be transmitted a certificate, as set forth in Schedule (A) to this Act annexed, duly filled up and authenticated, the contents of which certificate shall be transcribed into the general register to be kept in every such asylum.

III. Nothing in this Act shall restrain or affect the authority of Her Majesty, where she may so think fit, to give such other order for the safe custody of any such person as aforesaid as she might have given if this Act had not been passed, or restrain or affect the authority of the secretary of state to continue in or direct to be removed to any county asylum or other place for the reception of lunatics any of the persons aforesaid whom he might have so continued or directed to be removed if this Act had not been passed.

* * * * *

VI. Subject to the rules certified by the secretary of state under this Act, the council of supervision shall superintend and direct the management and conduct of the asylum, and the care and treatment of the lunatics confined therein; and such council or any two of them shall from time to time, as by the rules shall be provided, and at such other times as they may think fit, report in writing to the secretary of state in relation to the management and conduct of the said asylum and the

¹ See 3 & 4 Vict. c. 54, s. 1.

² i. e. of secretary of state, under s. 5.

condition thereof; and to any matters concerning the same; and if any person detained and confined as aforesaid shall be of a religious persuasion differing from that of the established church, a minister of such persuasion at the special request of such person or of his friends or relations shall be allowed to visit him at proper and reasonable times by application to the medical superintendent, and under such rules as may be approved of by the secretary of state, but no such person shall be compelled to attend any of the ordinances or instructions of any religious persuasion other than his own.

Provision as to removal and discharge of lunatics.

VII. The provisions of the Acts hereinbefore mentioned, or of any other Act for the removal or discharge of lunatics whom the said secretary of state is, under the hereinbefore mentioned Acts or any other Act now in force, authorized to direct to be removed to any lunatic asylum, shall extend and apply to any lunatic whom the secretary of state may direct to be conveyed to any asylum for criminal lunatics appointed under this Act: Provided always, that any order for removal or discharge which may now be made by the secretary of state on the certificate of two physicians or surgeons may be made on the certificate of the resident medical superintendent of the asylum and any two of the council of supervision.

Provision for discharge of persons confined after their term of imprisonment has expired.

VIII. Provided also, that where by reason of the expiration of his term of imprisonment or penal servitude, or otherwise, a person confined in the asylum would be entitled to his discharge if duly certified to have become of sound mind, it shall be lawful for the secretary of state by his warrant to order the discharge of such person, although he may not have been certified as aforesaid, to the intent that he may be placed in a county lunatic asylum, or otherwise subjected to the same care and treatment as lunatics not being criminals.

Secretary of state may permit any lunatic to be absent from asylum on trial, &c.

IX. Provided also, that it shall be lawful for the secretary of state by his warrant to permit any person confined in the asylum to be absent from such asylum upon trial for such period as he may think fit, or to permit any such person to be absent from such asylum upon such conditions in all respects as to the secretary of state shall seem fit; and in case any person so permitted to be absent upon trial for any period do not return at the expiration of such period, or in case any of the conditions on which any person is so permitted to be absent be broken, the person not returning at such expiration or absent after any such condition has been broken, as the case may be, may be retaken as herein provided in the case of an escape.

Provisions of 3 & 4 Vict. c. 54, as to expenses of conveyance and main-

X. All provisions in the said Act of the third and fourth years of Her Majesty for the payment of the conveyance of such insane persons as therein mentioned to any asylum or other receptacle, and of his maintenance therein,¹ shall extend and be applicable to the conveyance of any such person to any

¹ See 3 & 4 Vict. c. 54, ss. 2, 3, 7.

asylum for criminal lunatics, and his maintenance therein, and all sums payable under any order made under such provisions shall be paid and applied towards defraying or reimbursing the expenses in respect of which the same are paid, or other expenses of the asylum, as the commissioners of Her Majesty's treasury may direct.

XI. In case of escape of any person confined in any asylum for criminal lunatics, he may be retaken at any time by the superintendent of such asylum, or any officer or servant belonging thereto, or any person assisting such superintendent, officer, or servant in this behalf, or any other person authorized in writing in this behalf by the secretary of state or such superintendent, and conveyed to and received and detained in such asylum.

XII. Any person who rescues any person ordered to be conveyed to any asylum for criminal lunatics during the time of his conveyance thereto, or of his confinement therein, and any officer or servant in any asylum for criminal lunatics, who through wilful neglect or connivance permits any person confined therein to escape therefrom, or secretes, or abets or connives at the escape of any such person, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for any term not exceeding four years, or to be imprisoned for any term not exceeding two years, with or without hard labour, at the discretion of the court, and any such officer or servant who carelessly allows any such person to escape as aforesaid, shall, on summary conviction before two justices of such offence, forfeit any sum not exceeding twenty pounds nor less than two pounds.

XIII. Any superintendent, officer, nurse, attendant, servant, or other person employed in any asylum for criminal lunatics who strikes, wounds, ill-treats, or wilfully neglects any person confined therein, shall be guilty of a misdemeanor, and shall be subject to indictment for every such offence, and on conviction under the indictment to fine or imprisonment, with or without hard labour, or to both fine and imprisonment, at the discretion of the court, or to forfeit for every such offence, on a summary conviction thereof before two justices, any sum not exceeding twenty pounds nor less than two pounds.

XIV. Two or more of the commissioners in lunacy, one at least of whom shall be a physician or surgeon, and one at least a barrister, shall, once or oftener in each year, on such day or days and at such hours of the day and for such length of time as they think fit, and also at any time when directed by the secretary of state, visit every asylum for criminal lunatics, and shall inquire as to the condition, as well mental as bodily, of the persons confined therein, or any of them, and shall also make such other inquiries as to such asylum as to them may seem proper, or as such secretary of state may direct.

* * * * *

SCHEDULE (A).

STATEMENT respecting CRIMINAL LUNATICS to be filled up and transmitted to the MEDICAL SUPERINTENDENT with every CRIMINAL LUNATIC.

Name	-	-	-	-
Age	-	-	-	-
Date of admission	-	-	-	-
Former occupation	-	-	-	-
From whence brought	-	-	-	-
Married, single, or widowed	-	-	-	-
How many children	-	-	-	-
Age of youngest	-	-	-	-
Whether first attack	-	-	-	-
When previous attacks occurred	-	-	-	-
Duration of existing attack	-	-	-	-
State of bodily health	-	-	-	-
Whether suicidal or dangerous to others	-	-	-	-
Supposed cause	-	-	-	-
Chief delusions or indications of insanity	-	-	-	-
Whether subject to epilepsy	-	-	-	-
Whether of temperate habits	-	-	-	-
Degree of education	-	-	-	-
Religious persuasion	-	-	-	-
Crime	-	-	-	-
When and where tried	-	-	-	-
Verdict of jury	-	-	-	-
Sentence	-	-	-	-

23 & 24 VICT. CAP. 77.

AN ACT to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.

[6th August, 1860.]

18 & 19 Vict.
cc. 121 and
116.

WHEREAS the provisions of "The Nuisances Removal Act for England, 1855,"¹ and "The Diseases Prevention Act, 1855,"¹ concerning the local authority for the execution of the said Acts are defective, and it is expedient that the said Acts should be amended as hereinafter mentioned: Be it enacted by the

¹ As these Acts at the time they were passed had only a limited application to boards of guardians and overseers, only so much of them as related to guardians and their officers, and to overseers, were printed

in the first volume of this collection of Statutes. The 23 & 24 Vict. c. 77, however, renders it necessary that they should be printed *in extenso* in this volume: they will be found in the Appendix.

Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

Nuisances Removal.

I. Section three, section six, section seven, and section nine of the said "Nuisances Removal Act for England, 1855," shall be repealed : Provided always, that such repeal as aforesaid shall not extend to any charges or expenses already incurred, but the same may be defrayed and recovered, and all proceedings commenced or taken under the said Act, and not yet completed, may be proceeded with, and all contracts under the said Act shall continue and be as effectual as if this Act had not been passed.

Sections 3, 6, 7, and 9 of 18 & 19 Vict. c. 121, repealed.

II. The following bodies shall respectively be the local authority to execute the said Nuisances Removal Act in the districts hereunder stated in England :—

Local authority to execute the Nuisances Removal Act.

In any place¹ within which the Public Health Act is or shall be in force, the local board of health :

In any other place wherein a council exists or shall exist, the mayor, aldermen, and burgesses by the council, except in the city of London and the liberties thereof, where the local authority shall be the commissioners of sewers for the time being,² and except in the city of Oxford³ and borough of Cambridge,⁴ where the local authority shall be the commissioners acting in execution of the Local Improvement Acts in force respectively in the said city and borough :

In any place in which there is no local board of health or council, and where there are or shall be trustees or commissioners under an Improvement Act⁵ such trustees, or commissioners :

In any place within which there is no such local board of health, council, body of trustees, or commissioners, if there be a board of guardians of the poor for such place, or for any parish or union within which such place is situate, such board of guardians, and, if there be no such board of guardians, the overseers of the poor for such place, or for the parish of which such place forms part.⁶

III. Provided, that in any place where a highway board or "the nuisances removal committee" chosen by the vestry in pursuance of the said Act⁷ is subsisting, and at the time of the

Highway board or nuisances removal com-

¹ See 18 & 19 Vict. c. 121, s. 2.

² See 11 & 12 Vict. c. clxiii., "The City of London Sewers Act, 1848," and 14 & 15 Vict. c. xci., "The City of London Sewers Act, 1851."

³ See 2 Geo. 3, c. cxix. ; 21 Geo. 3, c. xlvi. ; 52 Geo. 3, c. lxxii. ; 5 &

6 Will. 4, c. clxix. and 11 & 12 Vict. c. xxvii.

⁴ See 28 Geo. 3, c. lxi. ; 34 Geo. 3, c. civ. ; 9 & 10 Vict. c. cccxlv. ; and 13 & 14 Vict. c. xxxvii.

⁵ See 18 & 19 Vict. c. 121, s. 2.

⁶ See 18 & 19 Vict. c. 121, s. 43.

⁷ See 18 & 19 Vict. c. 121, s. 3.

mittees now subsisting may be continued so long as they employ sanitary inspectors.

passing of this Act employs or joins with other local authorities in employing a sanitary inspector or inspectors,¹ such highway board or nuisances removal committee may continue to act, and a like committee may be annually chosen² by the vestry for such place in the same manner as if this Act had not been passed; but in case in any year the nuisances removal committee be not chosen for such place in manner provided by the said Act, or if the highway board or committee now subsisting or hereafter chosen fail for two months in any year to appoint or employ a sanitary inspector or inspectors, the authority of such highway board or committee shall cease, and no like committee shall be chosen for such place, and the same body or persons shall thenceforth be the local authority for the place as if no such highway board or committee had been appointed therein.

How expenses of local authority to be defrayed.

IV. All charges and expenses incurred by the local authority in executing the said Nuisances Removal Act, and not recovered as therein provided, shall be defrayed as follows; to wit,

Out of general district rates where the local authority is a local board of health :

Out of the borough fund or borough rate where the local authority is the mayor, aldermen, and burgesses by the council :

Provided always, that in the city of Oxford and borough of Cambridge such expenses shall be deemed annual charges and expenses of cleansing the streets of the said city and borough respectively, and shall be so payable :

Out of the rates levied for purposes of improvement under any Improvement Act, where the local authority is a body of trustees or commissioners acting in execution of the powers of such an Act :

Where a board of guardians for a union is such local authority for the whole of such union, such charges and expenses shall be defrayed by means of an addition to be made to the rate for the relief of the poor of the parish or parishes for which the expense has been incurred, and be raised and paid in like manner as money expended for the relief of the poor :

Where the board of guardians for a union is such local authority for two or more places maintaining their own poor, but not for all such places in such union, such charges and expenses shall be paid out of the poor rates of the places aforesaid for which the board is the local authority :

Where the board of guardians for a union is under this Act the local authority for a single place maintaining its own poor, and where the board of guardians for any such single place, or the overseers of any such

¹ Sec 18 & 19 Vict. c. 121, s. 9.

² See *ibid.* s. 3.

place, or "the nuisances removal committee" continued or chosen as hereinbefore provided in any such place, are under this Act the local authority for such place, such charges and expenses shall be defrayed out of the rates for the relief of the poor thereof:

Where the board of guardians for a union is under this Act the local authority for part only of any place maintaining its own poor, together with the whole of any other such place or part of any other such place, such board shall apportion such charges and expenses between or among any or every such part and any or every such place; and so much of such charges and expenses as may be apportioned to any or every such place for the whole of which such board is the local authority shall be defrayed out of the rates or funds applicable to the relief of the poor thereof:

So much of any such charges and expenses as may be apportioned to part of a place maintaining its own poor, and any such charges and expenses incurred by any board of guardians or overseers, where such board or overseers are the local authority for part of any such place only, shall be defrayed by means of an addition to be made to the rate for the relief of the poor thereof, and be raised and paid in like manner as money expended for the relief of the poor.

V. Provided, that the board of guardians for a union may appoint a committee or committees of their own body, under section five of the said Nuisances Removal Act, to act in and for one or more of the parishes or places for which the board is the local authority; and every committee so appointed shall have the full power of executing the said Act in all respects, within the specified place or places for which it is appointed, unless its power be expressly limited by the terms of its appointment;¹ and the board of guardians shall cause the charges and expenses of every such committee to be paid out of the poor rates of the place or places for which such committee is appointed;² and where a committee is so appointed for any such place or places the charges and expenses of the board as local authority for or in respect of the place or places for which a committee is not appointed shall be paid or contributed by such last-mentioned place or places in like manner as the expenses of a committee: Provided that where any one such committee is appointed for all the places for which the board is the local authority its charges and expenses shall be contributed and paid in like manner as the charges and expenses of the Board would have been contributed and paid if such committee had not been appointed.

Board of guardians may appoint committees for particular parishes.

VI. Provided also, that as regards the metropolis, the vestries and district boards under the Act of the session holden in the vestries and

¹ See 18 & 19 Vict. c. 121, s. 5.

² See *ibid.* s. 4.

district
boards of the
metropolis.

eighteenth and nineteenth years of Her Majesty, chapter one hundred and twenty, within their respective parishes and districts, shall continue and be the local authorities for the execution of the said Nuisances Removal Act, and their charges and expenses shall be defrayed as if this Act had not been passed.

Wells, &c.
belonging to
any place
vested in
local autho-
rity, &c.

VII. All wells, fountains, and pumps, provided under section fifty of "The Public Health Act, 1848," or otherwise, for the use of the inhabitants of any place, and not being the property of or vested in any person or corporation other than officers of such place, shall be vested in the local authority under this Act for such place, who shall from time to time cause to be kept in good repair and condition and free from pollution all wells, fountains, and pumps vested in them under this Act, and may also keep in good repair and condition and free from pollution other wells, fountains, and pumps dedicated to or open to the use of the inhabitants of such place.

Penalty for
fouling
water.

VIII. If any person do any act whatsoever whereby any fountain or pump is wilfully or maliciously damaged, or the water of any well, fountain, or pump is polluted or fouled, he shall, upon summary conviction of such offence before two justices,¹ forfeit a sum not exceeding five pounds for such offence, and a further sum not exceeding twenty shillings for every day during which such offence is continued after written notice from the local authority in relation thereto;² but nothing herein contained shall extend to any offence provided against by section twenty-three of the said "Nuisances Removal Act."

Appointment
of inspectors
of nuisances.

IX. Local authorities under this Act may, for the purposes of the Act, severally appoint or employ inspectors of nuisances, and make such payments as they see fit for the remuneration and expenses of such inspectors.

Diseases Prevention.

Sections 2 and
3 of 18 and 19
Vict. c. 116,
repealed.

X. Sections two and three of "The Diseases Prevention Act, 1855," and every other enactment constituting a local authority for the execution of the same Act, or providing for the expenses of the execution thereof, except those contained in the eighteenth and nineteenth of Victoria, chapter one hundred and twenty, the Metropolis Local Management Act,³ shall be repealed.

Guardians and
overseers of
the poor to be
the local
authorities
for executing

XI. The board of guardians for every union,⁴ or parish not within a union, in England shall be the local authority for executing the said Diseases Prevention Act in every place within their respective unions and parishes; and in every parish and place in England not within a union, and for which there is

¹ See 18 & 19 Vict. c. 121, s. 2.

² See *ibid.* sub-section 3.

³ See 18 & 19 Vict. c. 120, s. 131.

⁴ See 18 & 19 Vict. c. 121, s. 2.

no board of guardians, the overseers of the poor shall be the local authority to execute the same Act; and the expenses incurred in the execution of such Act by the board of guardians for a union shall be defrayed out of the common fund thereof, and the expenses of the board of guardians or overseers of the poor of any single parish or place shall be defrayed out of the rates for the relief of the poor of such parish or place; provided that every such board of guardians shall, for the execution of the said Act for the Prevention of Diseases, have the like powers of appointing committees, with the like authority, and where any such committee is appointed the expenses thereof and of the board shall be paid in the same manner, as hereinbefore provided where such a board is the local authority for the execution of the said Nuisances Removal Act; provided also, that any expenses already incurred by any local authority in the execution of the said Act shall be defrayed as if this Act had not been passed; provided, moreover, that in respect of any place where, under this Act, the local authority for executing the Nuisances Removal Act is any other body than the board of guardians or the overseers of the poor, the privy council, if it see fit, may, in the manner provided for the exercise of its powers under the Public Health Act, 1858,¹ authorize such other body to be, instead of the board of guardians or the overseers of the poor, the local authority for executing the Diseases Prevention Act; provided also, that as regards the metropolis the vestries and district boards under the Act of the session holden in the eighteenth and nineteenth years of Her Majesty, chapter one hundred and twenty, within their respective parishes and districts, shall continue to be the local authorities for the execution of the said "Diseases Prevention Act, 1855," and their charges and expenses shall be defrayed as if this Act had not been passed.²

XII. It shall be lawful for the local authority for executing the said "Diseases Prevention Act" to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to convey such sick and diseased persons as may be residing within such locality to any hospital or other place of destination, and the expense thereof shall be deemed to be an expense incurred in executing the said Act. Local authorities may provide carriages for conveyance of infected persons.

XIII. Upon complaint before a justice of the peace by any inhabitant of any parish or place of the existence of any nuisance on any private premises³ in the same parish or place, such justice shall issue a summons requiring the person by whose act, default, permission, or sufferance the nuisance arises, or if such person cannot be found or ascertained, the owner or occupier of the premises on which the nuisance arises, to appear Justices, on the application of householders, may order the removal of nuisances.

¹ See 21 & 22 Vict. c. 97, s. 7.

² See s. 6, *ante*.

³ See 18 & 19 Vict. c. 121, s. 2.

before two justices in petty sessions assembled at their usual place of meeting, who shall proceed to inquire into the said complaint, and act in relation thereto as in cases where complaint is made by a local authority under section twelve of the said Nuisances Removal Act,¹ and as if the person making the complaint were such local authority: Provided always, that it shall be lawful for the said justices, if they see fit, to adjourn the hearing or further hearing of such summons for an examination of the premises where the nuisance is alleged to exist, and to require the admission or authorize the entry into such premises of any constable or other person or persons, and thereupon the person or persons authorized by the order of the justices² may enter and act as the local authority might under a like order made by any justice under section eleven of the said Act: Provided also, that the costs in the case of every such application shall be in the discretion of the justices, and payment thereof may be ordered and enforced as in other cases of summary adjudication by justices.³ Any order made by justices under this enactment shall be attended with the like penalties⁴ and consequences for disobedience thereof and subject to the like appeal⁵ as any order made under section twelve of the said Nuisances Removal Act, and the justices making such order may thereby authorize any constable or other person or persons to do all acts for removing or abating the nuisance condemned or prohibited, and for executing such order, in like manner as a local authority obtaining the like order might do under the said Act, and to charge the costs to the person on whom the order is made, as is provided in the case where a like order is obtained and executed by such local authority.

Guardians
may procure
sanitary re-
ports and pay
for the same.

XIV. The guardians of any union, or parish not within a union, may at any time employ one of their medical officers to make inquiry and report upon the sanitary state of their union or parish, or any part thereof, and pay a reasonable compensation for the same out of their common fund.

Interpretation
of terms.

XV. The several words used in this Act shall be construed in the same manner as is declared with reference to the same words in the above-cited Act, termed "The Nuisances Removal Act for England, 1855,"⁶ and all the provisions therein, and in "The Diseases Prevention Act, 1855," contained, shall respectively be applicable to this Act, except so far as they shall be hereby repealed, or be inconsistent with anything herein provided.

Justices not
incapable of

XVI. No justice of the peace shall, unless objected to at the hearing of any complaint or charge, be deemed incapable of

¹ See 18 & 19 Vict. c. 121.

² See 18 & 19 Vict. c. 121, Sch.

³ See 11 & 12 Vict. c. 43, s. 18, in "Jervis's Acts," by Glen, 2nd edition; and Snowden's "Magis-

trate's Assistant," by Glen, 5th edition.

⁴ See 18 & 19 Vict. c. 121, s. 14.

⁵ See *ibid.* ss. 12 and 15.

⁶ See *ibid.* ss. 2 & 8.

acting in cases other than appeals arising under the said acting by Nuisances Removal Act by reason of his being a member of being mem- any body hereby declared to be the local authority to execute bers of bodies the said Act,¹ or by reason of his being a contributor, or liable to execute to contribute, to any rate or fund out of which it is hereby Nuisances Removal Act. provided that all charges and expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed.

23 & 24 VICT. CAP. 101.

An ACT to continue the Poor Law Board.

[20th August, 1860.]

WHEREAS by the Act of the eleventh year of the reign of Her Majesty, chapter one hundred and nine, provisions were made for the constitution and appointment of commissioners for administering the laws for the relief of the poor in England, and for the appointment of other officers, which provisions have been continued until the end of the present session of parliament,² and it is expedient that such provision should be further continued for a limited period: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same,

That the commissioners appointed by Her Majesty the Queen, The poor law or to be appointed by Her Majesty, her heirs and successors, board to be under the authority of the said Act, together with every person continued for by the said Act constituted, in virtue of his office, such commis- three years. sioner, and every officer and person appointed or to be appointed by the commissioners under the provisions of the said Act, shall be empowered, unless he shall previously resign or be removed, to hold his office and exercise the powers thereof until the twenty-third day of July, one thousand eight hundred and sixty-three,³ and until the expiration of the said last-mentioned period it shall be lawful for Her Majesty, her heirs and successors, from time to time, at pleasure to remove the commissioners for the time being appointed by Her Majesty, or to be appointed by Her Majesty, her heirs and successors, and upon every vacancy in the office of such commissioner to appoint, as in the said Act is described, some other fit person to the said office.

¹ See 18 & 19 Vict. c. 121; and also 16 Geo. 2, c. 18; and 5 & 6 Vict. c. 57, s. 15.

² See 15 & 16 Vict. c. 59; and 17 & 18 Vict. c. 41.

³ See 26 & 27 Vict. c. 55.

23 & 24 VICT. CAP. 112.

AN ACT to make better provision for acquiring Lands for the Defence of the Realm. [28th August, 1860.]

* * * * *

Continuance of Liability to Tithe Rentcharge, Taxes, and Rates.

Lands to continue subject to tithe rentcharge, taxes, and rates.

XXXIII. The lands vested in the said secretary of state¹ in pursuance of this Act, which were before the time of such vesting liable to and charged with tithes, or tithe rentcharge, land tax, poor or other rates, shall continue chargeable therewith, but shall not be assessed to any tax or rate at a higher value or rent than that at which such lands were assessed at the time of such vesting.²

* * * * *

23 & 24 VICT. CAP. 127.

AN ACT to Amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers. [28th August, 1860.]

* * * * *

Saving provisions, enabling other than attorneys to act.

XXXIII. Nothing in this Act shall extend to repeal, prejudice, or affect any provision in any Act of Parliament in anywise enabling any person other than an attorney or solicitor to conduct, defend, or otherwise act in relation to any suit, matter, or proceeding.³

* * * * *

23 & 24 VICT. CAP. 139.

AN ACT to Amend the Law concerning the Making, Keeping, and Carriage of Gunpowder and Compositions of an Explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks. [28th August, 1860.]

* * * * *

Notice of intention to apply for licences.

XII. Provided always, that every person making any application for any such licence as aforesaid,⁴ shall give notice in writing of the intention to make the same, as also of the place or places proposed for the purposes aforesaid respectively, fourteen days before making it as hereinafter mentioned; that

¹ i. e. for the War Department.

² See 25 & 26 Vict. c. 103, s. 36.

³ See 5 & 6 Vict. c. 57, s. 17; 6 & 7 Vict. c. 73, s. 2; and 7 & 8 Vict. c. 101, s. 68; and Article 202,

No. 11 of the Consolidated Order of the Poor Law Board.

⁴ To the Justices at Quarter Sessions to licence places under the Act.

is to say, such notice shall be given, where application is made in England, to an overseer or churchwarden of the parish or place in which it is proposed to erect or make any such new mill, with such houses and places as aforesaid, or any such magazine, or to make or use any building or place for any of the purposes aforesaid, or of any adjoining parish, if the place be extra-parochial, and have no overseer; * * * and such applicant shall also in every such case cause the like notice to be affixed on the outside of the door or of the wall near the door of every church and chapel in such parish or place (including places of worship not belonging to the established church) previously to the commencement of divine service on a Sunday ten days at least before the making of such application.

* * * * *

24 & 25 VICT. CAP. 21.

AN ACT for Granting to Her Majesty certain Duties of
Excise and Stamps. [28th June, 1861.]

* * * * *

III. It shall be lawful for any person to take out a licence for the sale in any house or shop of table beer, at a price not exceeding the rate of one penny-halfpenny the quart, and not to be drunk or consumed on the premises where sold; and it shall not be necessary to the obtaining of such licence that the said house or shop shall be rated to the relief of the poor to any amount, or that the person applying for such licence shall produce any certificate,¹ or enter into any bond required by any Act relating to the sale of beer by retail.

* * * * *

Licences may be granted for the sale of table beer by retail, not to be drunk on the premises without persons being rated or producing certificate.

24 & 25 VICT. CAP. 55.

AN ACT to amend the Laws regarding the Removal of the Poor and the Contribution of Parishes to the Common Fund in Unions. [1st August, 1861.]

WHEREAS it is desirable that the laws for the removal of the poor should be amended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

¹ See 3 & 4 Vict. c. 61, s. 2.

So much of s. 1 of 9 & 10 Vict. c. 66, as prescribes a residence of five years to be altered to three years, &c.

Provision for orphan children under 16 years of age.

Provision for deserted wives.

Chargeability of wayfarers.

Chargeability of sick persons.

Lunatics to be chargeable upon the common fund.

I. That after the twenty-fifth day of March next the period of three years shall be substituted for that of five years specified in the first section of the statute ninth and tenth Victoria, chapter sixty-six, and the residence of a person in any part of a union shall have the same effect in reference to the provisions of the said section as a residence in any parish.

II. Where a child under the age of sixteen years,¹ residing with its surviving parent, shall be left an orphan, and such parent shall at the time of death have acquired an exemption from removal by reason of a continued residence, such orphan shall, if not otherwise irremovable, be exempt from removal in like manner and to the same extent as if it had then acquired for itself an exemption from removal by residence.

III. Where a married woman shall have been or shall be deserted by her husband, and shall after his desertion reside for three years in such a manner as would, if she were a widow, render her exempt from removal, she shall not be liable to be removed from the parish wherein she shall be resident, unless her husband return to cohabit with her.

IV. Where any destitute wayfarer, wanderer, or foundling shall be or become chargeable upon the common fund of any union, the cost of the relief of such wayfarer, wanderer, or foundling shall continue to be charged to such common fund until the relief shall be discontinued.²

V. When any person shall be or become chargeable upon the common fund of a union, by reason of some accident or sickness which will not produce permanent disability, the chargeability upon such fund shall cease when the person shall be cured, and thenceforth, if the relief continue, the cost thereof shall be charged to the parish where the poor person shall be then residing, unless he shall be in the workhouse of the union, and in such case it shall be charged to the parish wherein he was residing when he was removed to such workhouse, and the overseers of the parish so charged may apply for and obtain an order of removal.³

VI. The cost of the examination of any lunatic pauper, present or future, of his removal to and from, and his maintenance in any asylum, licensed house, or registered hospital, who would under any provision of the sixteenth and seventeenth Victoria, chapter ninety-seven,⁴ be chargeable to a parish in a union, shall from and after the twenty-fifth day of March next be borne by the common fund of the union comprising such parish.⁵

¹ See 4 & 5 Wm. 4, c. 76, ss. 56, 57, and 71.

² See 11 & 12 Vict. c. 110, s. 1; as to Gilbert's Incorporations, see 33 Geo. 3, c. 35, s. 3.

³ See 9 & 10 Vict. c. 66, s. 4.

⁴ See 3 & 4 Vict. c. 54, s. 2, as to criminal lunatics. As they are not made chargeable to the poor rates

by reason of any provision in the 16th & 17th Vict. c. 97, the 6th sect. of the 24th & 25th Vict. c. 55 does not apply to them.

⁵ See 11 & 12 Vict. c. 110, s. 8; 13 & 14 Vict. c. 101, s. 5; 16 & 17 Vict. c. 97, ss. 95, 96, 97, 98, 99, 101, and 102; and also 25 & 26 Vict. c. 111, s. 7.

VII. The guardians of any union may obtain orders upon the guardians of any other union, or upon the guardians or overseers of any parish not comprised in a union, or upon the treasurer of the county, and may appeal against or defend any orders in respect of any lunatic paupers hereby made chargeable upon the common fund of the union, in like manner and subject to the same incidents and provisions as are contained in the said last cited Act, in respect of lunatic paupers chargeable to any parish in such union :¹ Provided that every appeal now pending may be continued and determined as though this Act had not been passed.

Orders in lunacy may be obtained by or appealed against by boards of guardians.

Proviso for pending appeals.

VIII. The temporary provisions of the several statutes² whereby the costs of the relief, burial, and maintenance of certain paupers have been made chargeable upon the common fund of unions until the end of this session of parliament are hereby made perpetual.³

Chargeability of union paupers on common fund made perpetual.

IX. And whereas it is also expedient to alter the mode in which the contributions of parishes to the common fund of the union in which they are comprised are now calculated :⁴ Be it therefore enacted, that after the twenty-fifth day of March next the several parishes comprised in any union already formed or hereafter to be formed under the provisions of the fourth and fifth of William the Fourth, chapter seventy-six, shall contribute to the common fund thereof, in proportion to the annual rateable value of the lands, tenements, and hereditaments in such parishes respectively assessable by the laws in force for the time being to the relief of the poor, and in no other manner, whether the lands, tenements, and hereditaments shall be actually rated or not, and whether the rate levied shall be collected in full or upon any composition : Provided always that nothing herein contained shall alter or affect the liability of any parish comprised in any such union in regard to any charge lawfully created in the said union, and secured upon the poor rates of all or any of the parishes comprised therein, which shall have been created at any time previous to the said twenty-fifth day of March ;⁵ but the same shall continue to be charged and payable in like manner as it would by law have been charged and payable if this Act had not been passed ; provided also, that nothing herein contained shall apply to any contribution which shall be in arrear from any parish in such

Parishes comprised in any union formed under 4 & 5 Vict. c. 76, to contribute to common fund according to the annual value of rateable property.

Proviso as to liabilities.

Proviso for contributions in arrear.

¹ See 16 & 17 Vict. c. 97, ss. 97, 98, 99, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117.

² See 10 & 11 Vict. c. 110, s. 1 ; 11 & 12 Vict. c. 110, ss. 1, 3 ; 12 & 13 Vict. c. 103, s. 1 ; 13 & 14 Vict. c. 101, s. 1 ; 14 & 15 Vict. c. 105, s. 1 ; 15 & 16 Vict. c. 14 ; 16 & 17 Vict. c. 77 ; 17 & 18 Vict. c. 43 ; 18 & 19 Vict. c. 47 ; 20 Vict. c. 18, s. 1 ; and 22 Vict. c. 29, s. 1.

³ This provision does not apply to Gilbert's Incorporations ; see 11 & 12 Vict. c. 110, ss. 1, 3.

⁴ See 4 & 5 Wm. 4, c. 76, s. 28.

⁵ See *ibid.* ss. 24, 62 ; 6 & 7 Wm. 4, c. 107 ; 1 & 2 Vict. c. 25, s. 1 ; 7 & 8 Vict. c. 101, ss. 29, 44 ; 11 & 12 Vict. c. 110, s. 5 ; 12 & 13 Vict. c. 103, s. 20 ; 13 & 14 Vict. c. 101, s. 4.

• union on the said twenty-fifth day of March, but the same shall be recoverable and shall be applicable in the same manner as if this Act had not been passed.

Mode of ascer-
taining the
annual rate-
able value.

X. The guardians of every such union, in computing the amount of contribution to the common fund from the several parishes, shall take the annual rateable value of such property in every parish therein from the valuation upon which such parish was assessed to the county rate, or, where there is no county rate, to the borough or ward rate, or other rate in the nature of a county rate, in the last assessment made not less than one month next preceding the day when the order for such contribution is made.¹

No order for
contribution
to be deemed
void by reason
of error in the
calculation.

XI. No order of guardians for contribution purporting to be made in accordance with this Act shall be deemed to be void by reason of any error in the estimate of the rateable value of the property in any parish in the union upon which the contribution shall have been calculated;² but every parish affected by such error shall be entitled to have the same set right in the making out and closing of the accounts of the union or at the audit thereof.

Interpretation
of terms, and
consolidation
of the Acts.

XII. The words used in this Act shall be construed in the like manner as in the said Act of King William the Fourth; and the provisions contained therein and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.³

24 & 25 VICT. CAP. 59.

AN ACT to facilitate Proceedings before Justices under the Acts relating to Vaccination.

[1st August, 1861.]

WHEREAS it is expedient to make further provisions in relation to proceedings before justices under the following Acts; that is to say,

3 & 4 Vict.
c. 29.

An Act passed in the session holden in the third and fourth years of the reign of Her present Majesty, chapter twenty-nine, intituled, "An Act to extend the Practice of Vaccination."

4 & 5 Vict.
c. 32.

An Act passed in the session holden in the fourth and fifth years of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to amend an Act to extend the Practice of Vaccination."

16 & 17 Vict.
c. 100.

An Act passed in the session holden in the sixteenth and

¹ See 25 & 26 Vict. c. 103, s. 30.

² See 4 & 5 Will. 4, c. 76, s. 109.

³ See 22 & 23 Vict. c. 49, s. 7.

seventeenth years of the reign of Her present Majesty, 16 & 17 Vict. chapter one hundred, intituled "An Act further to extend c. 100. and make compulsory the Practice of Vaccination :"

Be it enacted by the Quéen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

I. This Act may be cited for all purposes as "The Vaccination Acts Amendment Act, 1861." Short title.

II. The guardians of any union or parish, or the overseers of any parish where the relief to the poor is not administered by guardians, may appoint some person to institute and conduct proceedings for the purpose of enforcing obedience to the said Acts or any of them within their union or parish ;¹ and as to all expenses incurred by any person so appointed, or by any registrar of births and deaths, or by any medical officer of health appointed under an Act of Parliament, in proceedings for enforcing penalties under the said Acts or any of them, if the justices or court before whom such proceedings are had certify that such expenses ought to be allowed, such court or justices shall ascertain the amount thereof, and such amount shall be payable out of the rates for the relief of the poor of the parish where the person for the time being dwells in respect of whose default or offence the same were instituted ; and the court or justices shall ascertain the amount of such expenses. And proceedings for enforcing penalties under any of the said Acts, on account of neglect to have a child vaccinated, may be taken at any time during which the parent or guardian is in default.

As to institution of legal proceedings and payment of expenses of the same.

24 & 25 VICT. CAP. 61.

AN ACT to amend the Local Government Act.

[1st August, 1861.]

WHEREAS it is expedient to amend "The Local Government Act, 1858 : " Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

* * * * *

III. When any Board of Improvement Commissioners acquires powers of rating or borrowing money under the fifteenth section of the "Local Government Act, 1858," the provisions in relation as to audit of that Act, or of any Act

Accounts of improvement commissioners acquiring borrowing powers

¹ See 16 & 17 Vict. c. 100, s. 9 ; 21 & 22 Vict. c. 97, s. 8 ; and 22 & 23 Vict. c. 3.

under Local Government Act to be subject to the provisions of that Act relating to audit.

Local board may exercise powers of sect. 45, of 11 & 12 Vict. c. 63, also without their district, if necessary, for purposes of outfall or distribution of sewage, on making compensation.

Previous notices of the intended works before commencement.

If objection be made by any party interested, the work not to be proceeded with without sanction of secretary of state.

amending that Act, shall be in force in the case of such commissioners, as if such provisions were contained in the local Act under which they are constituted; and when the provisions as to audit of such local Act are repugnant to or inconsistent with those of the Local Government Act, or any Act amending that Act,¹ then the audit shall be conducted under the provisions of the last-mentioned Act.

IV. Local boards may exercise the powers given by the forty-fifth section of "The Public Health Act, 1848," also without their district, for the purpose of outfall or distribution of sewage, upon making due compensation, to be settled in the manner provided in the one hundred and forty-fourth section of "The Public Health Act, 1848." Provided always, that nothing herein contained shall give or be construed to give power to any local board to construct or use any outfall drain or sewer for the purpose of conveying sewage or filthy water into any natural watercourse or stream until such sewage or filthy or refuse water be freed from all excrementitious or other foul or noxious matter, such as would affect or deteriorate the purity and quality of the water in such stream or watercourse.

V. Provided also, that no sewer or other work shall be constructed or extended, under the enactment lastly hereinbefore contained, unless three months at the least before the commencement of such work notice of the intended work, describing the nature thereof, and stating the intended termini thereof, and the names of the parishes, townships, and places, and the turnpike roads and streets or places laid out or intended for streets, and other lands, if any, through, across, or under which the work is to be made, and naming a place where a plan of the intended work is open for inspection at all reasonable hours, shall be given by advertisement in one or more of the newspapers usually circulated in the place where the work is to be made, and a written or printed copy of such notice shall be served in manner directed by "The Public Health Act, 1848," on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, townships, or places, and the trustees, surveyors of highways, or others, having the care of such roads or streets.

VI. In case any of such owners, lessees, or occupiers, or such overseers, trustees, surveyors, or others as aforesaid, or any other owner, lessee, or occupier who would be affected by the proposed work, object to such work, and serve notice in writing of such objection on the local board at any time within the said three months, the proposed work shall not be made or commenced without the sanction of one of Her Majesty's principal secretaries of state; after such inquiry and report as hereinafter mentioned (unless such objection be withdrawn).

¹ See 11 & 12 Vict. c. 63, s. 122, and 21 & 22 Vict. c. 93, s. 60.

² See 11 & 12 Vict. c. 63, s. 150.

VII. It shall be lawful for the secretary of state, upon appli-^{cation of any local board, to appoint an inspector to make to be appointed to make inquiry on the spot into the propriety of any such work as aforesaid, and into the objections thereto, and to hold one or more meeting or meetings for the purpose of hearing all persons desirous of being heard before him on the subject of such inquiry, and to report to such secretary of state upon the matters with respect to which such inquiry was directed.}

* * * * *

XV. Seven clear days at least before the day fixed for the^{Making up} audit of accounts of any local board, the local board shall cause^{accounts for} their rate books and other accounts to be made up and balanced, and the books and accounts so made up and balanced shall forthwith be deposited at the office of the said local board for the inspection of owners and ratepayers, and the notice of audit shall include a notice of such deposit of accounts; and any officer of a local board duly appointed in that behalf neglecting to make up such books and accounts, or altering such books and accounts, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable on conviction thereof to forfeit forty shillings; and it shall be lawful for any ratepayer or owner of property in the district to be present at the audit of the accounts of the local board, and to make any objection to such accounts before the auditor; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor, as they have by law against disallowances.¹

* * * * *

XXI. All local boards of health constituted burial boards may^{Local boards} from time to time repair and uphold the fences surrounding^{of health may} any burial-ground which shall have been discontinued as such^{repair fences} within their jurisdiction, or take down such fences and substitute others in lieu thereof, and shall from time to time take the^{surrounding} necessary steps for preventing the desecration of such burial-^{burial-} grounds, and placing them in a proper sanitary condition;^{grounds.} and where such burial boards are a local board of health, they may from time to time pass byelaws for the preservation and regulation of all burial-grounds within their limits, and the expense of carrying this section into execution may be defrayed out of any rates authorized to be levied by any local board constituted a burial board.

* * * * *

XXIX. And whereas doubts exist whether local boards of^{Application} health, constituted under or by virtue of local Acts, are affected^{of general} by the provisions of "The Local Government Act, 1858,"^{Acts to local} or by the provisions of "The Nuisances Removal Act for^{boards of} health."

¹ See 11 & 12 Vict. c. 63, s. 122, and 21 & 22 Vict. c. 98, s. 60.

² See 18 & 19 Vict. c. 128, s. 18.

³ See 21 & 22 Vict. c. 98.

"England, 1855,"¹ and "The Diseases Prevention Act, 1855,"² and it is desirable to remove such doubts: Be it therefore enacted, that all the provisions of "The Local Government Act, 1858," as amended by this Act, and of "The Nuisances Removal Act for England, 1855," and "The Diseases Prevention Act, 1858," as amended by the "Act to amend the Acts for the Removal of Nuisances and Prevention of Diseases," which Acts are hereinafter designated the general Acts, shall extend and apply to all local boards of health constituted under or by virtue of local Acts, with and subject to the two following qualifications; (that is to say,)

(1.) Provisions of the general Acts opposed to or restrictive of the provisions (whether adopted or original) of any such local Act shall be of no force in the district for which the local Act was passed:

(2.) Wherever the general Acts and a local Act contain provisions for effecting the same or a similar object, but in different modes, the local board of health may proceed under the general Acts or the local Act:

And every future Act for amending or repealing any of the general Acts aforesaid shall, subject to the aforesaid qualifications, also extend and apply to every such local board of health.

Incorporation
and construc-
tion of Acts.

XXX. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be read as if this Act and the said Local Government Act were one Act.³

Short title.

XXXI. In citing this Act it shall be sufficient to use the words and figures "Local Government Act (1858), Amendment Act, 1861."

24 & 25 VICT. CAP. 76.

AN ACT to amend the Law relating to the Removal of Poor Persons to Ireland.⁴ [6th August, 1861.]

WHEREAS it is expedient that better means should be provided for the safe conveyance to the place of their destination in Ireland of poor persons who may be removed in pursuance of the Act passed in the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and seventeen: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same,—

¹ See 18 & 19 Vict. c. 121, and 21 & 22 Vict. c. 98, s. 4.
23 & 24 Vict. c. 77.

² See 18 & 19 Vict. c. 116, and 23 & 24 Vict. c. 77.
³ See 11 & 12 Vict. c. 61, and 26 & 27 Vict. c. 89, and as regards the removal to Scotland of Scotch paupers, see 25 & 26 Vict. c. 113.

I. No application for a warrant¹ ordering the removal from any place in England to Ireland of any poor person who shall have become chargeable in such place shall be heard and determined except by two or more justices in petty sessions assembled, or by a stipendiary magistrate, or metropolitan police magistrate sitting in his court, which justices or magistrate (as the case may be) shall see such poor person or the person who is the head of the family proposed to be removed, and shall be satisfied that every person who is proposed to be removed by the warrant is in such a state of health as not to be liable to suffer bodily or mental injury by the removal.

Warrant of removal to be signed in petty sessions, or by a police magistrate.

II. Such warrant of removal shall be granted only on the application of the relieving officer or other officer of the guardians of the union or parish where such poor person shall become chargeable, and shall contain the name and reputed age of every person ordered to be removed by virtue of the same, and the name of the place in Ireland where the justices or magistrate shall find such person to have been born or to have last resided for the space of three years, and a statement of such examination having been made as to the state of health of every person ordered to be removed as aforesaid; and such warrant shall be addressed to the party applying for the same, and to the guardians of the union or parish to which such poor person is to be removed, and a copy shall be given by and at the cost of the person applying for such warrant to the person or the head of the family about to be removed by virtue of it:

Warrant to contain name and age of every person to be removed, and other particulars.

Provided that in the case of any native of Ireland who shall have been absent from Ireland less than twelve months the pauper may, if the guardians applying for the warrant and the justices or magistrate issuing it think fit, be removed to any place, other than that above described, with his consent; and provided also, that in any case where the justices or magistrate shall not be able to ascertain upon the evidence before them the place of birth, or of such continued residence as aforesaid, they shall order the pauper to be removed to the port in Ireland which shall in the judgment of such justices under the circumstances of the case be most convenient.

III. The guardians obtaining the warrant shall send a copy of it, by post, to the clerk of the board of guardians of the union in Ireland to which such poor person shall be ordered to be removed, and also a copy of the depositions taken in the case, if the same shall, at any time within three months from the date of the warrant, be required by any such board of guardians.

Copy of the warrant to be sent to guardians of place to which the removal is to be made.

IV. Such warrant shall order the removal of the poor person to be made to the place mentioned therein as aforesaid, and shall order the persons charged with the execution thereof² to cause such poor person, with his family (if any), to be safely conveyed to the place

Warrant shall order poor persons to be conveyed to the place

¹ See 8 & 9 Vict. c. 117, s. 2, and 10 & 11 Vict. c. 33, s. 1.

² See 26 & 27 Vict. c. 89, s. 4.

mentioned in the warrant. conveyed to such place in Ireland, to be delivered at the work-house of the union containing the port of or nearest to the place of the pauper's ultimate destination.¹

The guardians of the poor of the union at the port may forward the pauper to the place of destination, and recover the costs from the board of guardians in England. V. If such union be not such place of ultimate destination, the guardians thereof may, if they think fit, cause the pauper to be removed forthwith to the place mentioned in the warrant, and shall be entitled to be reimbursed the costs incurred in such removal by the guardians in England on whose application the warrant was obtained, such costs being the actual expense incurred in and about the conveyance and maintenance of each person so removed, according to the certificate of the poor law commissioners of Ireland, which costs may, if not paid on demand, be recovered by an action in any county court having jurisdiction in the union or parish in England from which the removal shall have taken place, at the suit of the guardians of such union in Ireland.

Women and children not to be removed as deck passengers during the winter. VI. It shall be unlawful to remove any woman or any child under the age of fourteen as a deck passenger in any vessel from England to Scotland or Ireland, during the period from the first of October to the thirty-first of March following, and no regulation of justices authorizing such a removal shall be henceforth legal.²

Sec. 6 of 8 & 9 Vict. c. 117 repealed. VII. Section the sixth of the Act of the eighth and ninth Victoria, chapter one hundred and seventeen, is hereby repealed.

Acts to be construed together. VIII. Except so far as this Act shall alter the provisions of the said Act, this Act shall be construed as a part of the same.

24 & 25 VICT. CAP. 95.

AN ACT to repeal certain enactments which have been consolidated in several Acts of the present Session relating to Indictable Offences and other Matters.

[6th August, 1861.]

“WHEREAS by six several Acts of the present session of Parliament, relating respectively to offences against the person, malicious injuries to property, larceny, forgery, coining, and accessories and abettors, divers Acts and parts of Acts have been consolidated and amended, and it is expedient to repeal the enactments so consolidated and amended, and certain other enactments:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

¹ See 26 & 27 Vict. c. 89, s. 1.

² See 26 & 27 Vict. c. 89, s. 5.

I. The several Acts and parts of Acts in the schedule hereto annexed shall continue in force until and throughout the last day of October in the present year, and shall from and after that day be repealed to the extent following; (that is to say,) in any case where the enactment does not form part of the law of Scotland then the enactment shall be wholly repealed, but in any case where the enactment does form part of the law of Scotland, then the enactment shall be wholly repealed as to every other place, but shall not be repealed as to Scotland, unless otherwise expressly mentioned.

Repeal of Acts
and parts of
Acts men-
tioned in
schedule.

IV. Provided also, that nothing herein contained shall in any manner alter or affect any power or authority given by any Act to alter or amend any register of births, baptisms, marriages, deaths, or burials.

Repeal not to
affect any
authority to
amend regis-
ters of births,
&c.

References to Act.	Title of Act.	Extent of Repeal.
14 & 15 Vict. c. 11.	An Act for the better protection of persons under the care and control of others, as apprentices or servants; and to enable the guardians and overseers of the poor to institute and conduct prosecutions in certain cases.	Sections one, two, six, and seven. ¹

24 & 25 VICT. CAP. 96.

AN ACT to consolidate and amend the Statute Law of England and Ireland, relating to Larceny and other similar Offences. [6th August, 1861.]

“WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. In the interpretation of this Act:

The term “property” shall include every description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title

Interpretation
of terms:
“Property.”

¹ See 24 & 25 Vict. c. 100, ss. 26, 27, & 73.

or right to any property, or giving a right to recover or receive any money or goods, and shall also include, not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

* * * * *

Directors, &c.
of any body
corporate or
public com-
pany fraudu-
lently appro-
priating pro-
perty ;

LXXXI. Whosoever, being a director, member, or public officer of any body corporate or public company, shall fraudulently take or apply for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

or keeping
fraudulent
accounts ;

LXXXII. Whosoever, being a director, public officer, or manager of any body corporate or public company, shall as such receive or possess himself of any of the property of such body corporate or public company otherwise than in payment of a just debt or demand, and shall, with intent to defraud, omit to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

or wilfully
destroying
books, &c. ;

LXXXIII. Whosoever, being a director, manager, public officer of any body corporate or public company, shall, with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, or valuable security belonging to the body corporate or public company, or make or concur in the making of any false entry, or omit or concur in omitting any material particular, in any book of account or other document, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award, as hereinbefore last mentioned.

or publishing
fraudulent
statements.

LXXXIV. Whosoever, being a director, manager, or public officer of any body corporate or public company, shall make, circulate, or publish, or concur in making, circulating, or publishing, any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanor, and being convicted

thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award, as hereinbefore last mentioned.

LXXXV. Nothing in any of the last ten preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanors in any of the said sections mentioned by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

No person to be exempt from answering questions in any court, but no person making a disclosure in any compulsory proceeding to be liable to prosecution.

LXXXVI. Nothing in any of the last eleven preceding sections of this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of the said sections, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing in the said sections contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

No remedy at law or in equity shall be affected.

Convictions shall not be received in evidence in civil suits.

LXXXVII. No misdemeanor against any of the last twelve preceding sections of this Act shall be prosecuted or tried at any court of general or quarter sessions of the peace.

Certain misdemeanors not triable at sessions.

As to obtaining money, &c., by false pretences :

LXXXVIII. Whosoever shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to defraud, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement: Provided, that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such

False pretences.

No acquittal because the offence amounts to larceny.

Form of indictment and evidence.

misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts: Provided also, that it shall be sufficient in any indictment for obtaining or attempting to obtain any such property by false pretences to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money, or valuable security; and on the trial of any such indictment it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

* * * * *

24 & 25 VICT. CAP. 97.

AN ACT to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property.
[6th August, 1861.]

“WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to malicious injuries to property:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Injuries by Fire to Buildings, and Goods therein.

* * * * *

Setting fire to any public building.

V. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in this Act before mentioned, belonging to the Queen, or to any county, riding, division, city, borough, poor law union, parish, or place, or belonging to any university, or college, or hall of any university, or to any inn of court, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

* * * * *

Injuries to Buildings by Rioters, &c.

Rioters demolishing

XI. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully

and with force demolish, or pull down or destroy, or begin to demolish, pull down, or destroy, any church, chapel, meeting-house, or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, or fold, or any building or erection used in farming land, or in carrying on any trade or manufacture, or any branch thereof, or any building, other than such as are in this section before mentioned, belonging to the Queen, or to any county, riding, division, city, borough, poor law union, parish, or place, or belonging to any university, or college or hall of any university, or to any inn of court, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, or any steam-engine or other engine for sinking, working, ventilating, or draining any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggonway, or trunk for conveying minerals from any mine, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

XII. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force injure or damage any such church, chapel, meeting-house, place of divine worship, house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, fold, building, erection, machinery, engine, staith, bridge, waggonway, or trunk, as is in the last preceding section mentioned, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour: Provided that if upon the trial of any person for any felony in the last preceding section mentioned the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof, and he may be punished accordingly.

* * * * *

Injuries to Works of Art.

XXXIX. Whosoever shall unlawfully and maliciously destroy or damage any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing kept for the purposes of art, science, or literature, or as an object of curiosity in any churches, &c.,

Destroying
or damaging
works of art
in museums,
&c.

or in public • museum, gallery, cabinet, library, or other repository, which
places. museum, gallery, cabinet, library, or other repository is either
at all times or from time to time open for the admission of the
public or of any considerable number of persons to view the
same, either by the permission of the proprietor thereof or by
the payment of money before entering the same, or any picture,
statue, monument, or other memorial of the dead, painted glass,
or other ornament or work of art, in any church, chapel,
meeting-house, or other place of divine worship, or in any
building belonging to the Queen, or to any county, riding,
division, city, borough, poor law union, parish, or place, or to
any university, or college or hall of any university, or to any
inn of court, or in any street, square, churchyard, burial-ground,
public garden or ground, or any statue or monument exposed
to public view, or any ornament, railing, or fence surrounding
such statue or monument, shall be guilty of a misdemeanor,
and being convicted thereof shall be liable to be imprisoned for
any term not exceeding six months, with or without hard
labour, and, if a male under the age of sixteen years, with or
without whipping; provided that nothing herein contained
shall be deemed to affect the right of any person to recover, by
action at law, damages for the injury so committed.

* * * * *

24 & 25 VICT. CAP. 100.

AN ACT to consolidate and amend the Statute Law of
England and Ireland relating to Offences against the
Person. [6th August, 1861.]

“WHEREAS it is expedient to consolidate and amend the statute
law of England and Ireland relating to offences against the
person:” Be it enacted by the Queen’s most excellent Majesty,
by and with the advice and consent of the Lords spiritual and
temporal, and Commons, in this present parliament assembled,
and by the authority of the same, as follows:

* * * * *

Not providing
apprentices or
servants with
food, &c.,
whereby life
endangered.

XXVI. Whosoever, being legally liable, either as a master or
mistress, to provide for any apprentice or servant necessary
food, clothing, or lodging, shall wilfully and without lawful
excuse refuse or neglect to provide the same, or shall unlaw-
fully and maliciously do or cause to be done any bodily harm to
any such apprentice or servant, so that the life of such ap-
prentice or servant shall be endangered, or the health of such ap-
prentice or servant shall have been or shall be likely to be
permanently injured, shall be guilty of a misdemeanor, and
being convicted thereof shall be liable, at the discretion of the

court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.¹

XXVII. Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Exposing children whereby life endangered.

Assaults.

XXXVI. Whosoever shall, by threats or force, obstruct or prevent, or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating divine service or otherwise officiating in any church, chapel, meeting-house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place, or shall strike or offer any violence to, or shall, upon any civil process, or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Obstructing or assaulting a clergyman or other minister in the discharge of his duties.

Child-stealing.

LVI. Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away or detain, any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained as in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping :

¹ See 14 & 15 Vict. c. 11, s. 1.

- Provided that no person who shall have claimed any right to the possession of such child, or shall be the mother, or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

* * * * *

Guardians and overseers may be required to prosecute in certain cases of offences against this Act.

LXXXIII. Where any complaint shall be made of any offence against section twenty-six of this Act, or of any bodily injury inflicted upon any person under the age of sixteen years, for which the party committing it is liable to be indicted, and the circumstances of which offence amount, in point of law, to a felony, or an attempt to commit a felony, or an assault with intent to commit a felony, and two justices of the peace before whom such complaint is heard shall certify under their hands that it is necessary for the purposes of public justice that the prosecution should be conducted by the guardians of the union or place, or, where there are no guardians, by the overseers of the poor of the place, in which the offence shall be charged to have been committed, such guardians or overseers, as the case may be, upon personal service of such certificate or a duplicate thereof upon the clerk of such guardians, or upon any one of such overseers, shall conduct the prosecution, and shall pay the costs reasonably and properly incurred by them therein (so far as the same shall not be allowed to them under any order of any court) out of the common fund of the union, or out of the funds in the hands of the guardians or overseers, as the case may be; and, where there is a board of guardians, the clerk or some other officer of the union or place, and, where there is no board of guardians, one of the overseers of the poor, may, if such justices think it necessary for the purposes of public justice, be bound over to prosecute.¹

Costs of prosecution.

Clerk of guardians may be bound over to prosecute.

On a conviction for assault the court may order payment of the prosecutor's costs by the defendant.

LXXXIV. Where any person shall be convicted on any indictment of any assault, whether with or without battery and wounding, or either of them, such person may, if the court think fit, in addition to any sentence which the court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for the loss of time as the court shall by affidavit or other inquiry and examination ascertain to be reasonable; and, unless the sum so awarded shall be sooner paid, the offender shall be imprisoned for any term the court shall award, not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

Such costs may be levied by distress.

LXXXV. The court may, by warrant under hand and seal, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to

¹ See 14 & 15 Vict. c. 11, s. 6.

the prosecutor, and that the surplus, if any, arising from such sale, shall be paid to the owner; and in case such sum shall be so levied the imprisonment awarded until payment of such sum shall thereupon cease.

* * * * *

LXXVII. The court before which any misdemeanor indicted under the provisions of this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

* * * * *

24 & 25 VICT. CAP. 113.

AN ACT for amending and consolidating the Law relating to Industrial Schools. [6th August, 1861.]

WHEREAS it is expedient to make further provision for the education and control in industrial schools of destitute and refractory children: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled; and by the authority of the same, as follows:—

Preliminary.

I. This Act may be cited for all purposes as “The Industrial Schools Act, 1861.”

II. This Act shall not extend to Scotland or Ireland.

Limits of Act.

III. The following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

Interpretation of terms.

“Justices” shall mean any two or more justices of the peace acting together in petty sessions, also the lord mayor or any alderman of the City of London, or any other magistrate authorized by statute to do alone whatsoever is authorized by the Act of the eleventh and twelfth years of her present Majesty, chapter forty-three, to be done by any two or more justices of the peace:

“Managers” shall include the directors, managers, or other persons who have the management or control of any such industrial school as is hereinafter mentioned:

“Parent” shall include any person legally liable to maintain a child, except the putative father of a bastard child on whom an order of affiliation has been made:

- “ County ” shall include any city, borough, riding, division of a county, or other place having a separate commission of the peace :
- “ Parish ” shall include any place maintaining its own poor.

Certified Industrial Schools.

Mode of certifying industrial school.

IV. Her Majesty's secretary of state for the home department, hereinafter referred to as the secretary of state, may, upon the application of the managers of any school in which industrial training is provided, and in which children are clothed, lodged, and fed, as well as taught, appoint such person as he may think fit to examine into the condition of the school, and to report to him thereon ; and if satisfied with such report he may by writing under his hand certify that such school is fitted for the reception of such children as may be sent there in pursuance of this Act, and shall cause a copy of the certificate to be sent to the clerk of the peace of the county in which the school is situate, and to the town clerk of every borough within such county ; but no school shall be certified under this Act and also under the Act of the session of the seventeenth and eighteenth years of Her Majesty, chapter eighty-six, intitled “ An Act for the better Care and Reformation of youthful Offenders in Great Britain.”

Withdrawal of certificate by secretary of state.

V. Every industrial school that has been certified under this Act, hereinafter referred to as “ a certified industrial school,” shall from time to time, and at least once in each year, be inspected by a person to be appointed by the secretary of state ; and it shall be lawful for the secretary of state, if dissatisfied with the condition of such school as reported to him, by notice under his hand, addressed to the managers of such school, to declare that the certificate is withdrawn, from and after a day to be specified in such notice, not less than two months after the date thereof.

Notice of withdrawal.

VI. Any such notice as aforesaid may be served on the managers of such school by delivering the same personally to any one of them, or by sending it, by post or otherwise, in a letter addressed to them or any of them at the said school, or at the usual or last known place of abode of any manager, or of the authorized secretary, and shall cause a copy of the notice to be sent to the clerk of the peace of the county in which the school is situate, and to the town clerk of every borough within such county ; and any school on the managers of which such notice has been served shall from and after the day therein specified cease to be a certified industrial school within the meaning of this Act.

Resignation of certificate by managers.

VII. The managers of any certified industrial school may, upon giving six months' previous notice of their intention so to do, in writing under the hand of one or more of them, or of the authorized secretary, require the secretary of state to

withdraw the certificate given to such school ; and accordingly, at the expiration of six months from the date of the notice, such certificate shall be deemed to be withdrawn, and from thenceforth it shall not be lawful to send or receive there any more children under this Act ; but the managers of a certified industrial school shall not, except in manner provided by this section, have power, without the consent of the secretary of state, expressed in writing, to withdraw from the obligation of educating, clothing, lodging, and feeding any children that at the time of the giving such notice may be in the school, in pursuance of the provisions of this Act, until the certificate be withdrawn, or until such children be removed to some other industrial school by an order of the secretary of state ; and if such managers make default in so doing they shall incur a penalty not exceeding five pounds for each default, to be recovered in manner hereinafter mentioned.

VIII. The guardians of any union or any parish wherein the relief to the poor is administered by a board of guardians, may, if they deem proper, with consent of the poor law board, contract with the managers of any certified industrial school for the maintenance and education of any pauper child.¹

Guardians may contract with managers.

Admission of Children to and their Status at School.

IX. Children of the descriptions hereinafter mentioned may be sent to certified industrial schools in pursuance of the provisions of this Act ; that is to say,

Description of children liable to be sent to school.

1. Any child apparently under the age of fourteen years found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms :
2. Any child apparently under the age of fourteen years that is found wandering, and not having any home or settled place of abode, or any visible means of subsistence, or frequents the company of reputed thieves :
3. Any child apparently under the age of twelve years who, having committed an offence punishable by imprisonment or some less punishment, ought nevertheless, in the opinion of the justices, regard being had to his age and to the circumstances of the case, to be sent to an industrial school :
4. Any child under the age of fourteen years whose parent represents that he is unable to control him, and that he desires such child to be sent to an industrial school, in pursuance of this Act, and who at the same time gives such undertaking or other security as may be approved by the justices before whom he is brought, in pursuance of this Act, to pay all expenses incurred for the maintenance of such child at school :

¹ See 25 & 26 Vict. c. 43.

* Provided that no child who, on being brought before the justices, is proved to have been previously convicted of felony, shall be deemed to be within the provisions of this Act.

Justices may
send child
to school.

X. Any person may bring before justices any child that is hereinbefore declared to be liable to be sent to an industrial school; and the justices shall make full inquiry into all the facts of the case, and if satisfied, on the result of such inquiry that this Act applies to such child, and that it is expedient to deal with him under its provisions, may, by writing under their hands and seals, order the child to be sent, for such period as they may think necessary for his education and training, to any certified industrial school, whether situate within their jurisdiction or not, the managers of which are willing to receive such child; subject to this qualification, that it shall be the duty of the justices to select, if possible, an industrial school conducted in accordance with the religious persuasion to which the parent of the child appears to them to belong: Provided also, that the justices shall have power, while inquiry is being made respecting such child, or respecting a school to which he may be sent, to order him to be taken to the workhouse belonging to the parish in which such child has been found, and to be detained therein, at the cost of the union to which the parish belongs, for any time not exceeding seven days, or until an order be made, previous to the expiration thereof, for the discharge of such child, or for his being sent to an industrial school, as hereinbefore provided, and such child shall be so detained accordingly: Provided that the order of the justices sending the child to school shall specify the religious persuasion to which the child appears to the justices to belong, and it shall be lawful for a minister of that religious persuasion to visit the child at the school on such days and at such times of the day as may from time to time be fixed by regulations to be made by the secretary of state, for the purpose of instructing him in religion.

Lodging child
at school.

XI. The managers of any certified industrial school may, at their discretion, permit any child sent there in pursuance of this Act to sleep or lodge at the dwelling of his parent, or of any trustworthy and respectable person, so that they educate, feed, and clothe the child in all respects as if he were lodging in the school itself, and that they report to the secretary of state, in such manner as he may require, every instance in which they exercise a discretion under this section.

Settlement
not acquired
by stay at
school.

XII. The time during which any child is lodged in any certified industrial school under this Act shall, for all the purposes of the Act of the session of the ninth and tenth years of Her present Majesty, chapter sixty-six, and of every Act incorporated therewith,¹ be excluded in the computation of the time therein mentioned.

¹ See 24 & 25 Vict. c. 55, ss. 1, 2.

XIII. It shall be lawful for the managers of any certified industrial school to make all necessary rules, orders, and byelaws for the regulation and management of the school under their charge, not repugnant to the provisions of this Act; but no such rules, orders, or byelaws shall be enforced until they have been submitted to and approved by the secretary of state.

Power to
make rules,
&c.

XIV. No child shall in pursuance of this Act be detained against his consent in any certified industrial school after he has attained the age of fifteen years.

Limitation
of stay at
school.

XV. The secretary of state may from time to time, by writing under his hand, remove any child sent to an industrial school in pursuance of this Act from one certified industrial school to another, so that the whole period of the detention of such child at industrial schools be not thereby increased: He may also, in like manner, discharge any child from an industrial school, either absolutely or upon condition of the parent of such child or any near relation undertaking to educate, clothe, and feed him, or entering into such other undertaking as the secretary of state may require.

Discharge of
child from
school.

XVI. On the application of the parent, or of the managers, or of the guardians who may be liable to make any repayment as aforesaid on account of any child,¹ any justices of the county in which the school is situate, if satisfied that a suitable employment has been provided for the child, or that there is otherwise sufficient cause, may discharge the child from the school before the full expiration of the period for which he has been sent there.

Power in
certain cases
to discharge
child from
school before
expiration of
period for
which he has
been sent
there.

Maintenance of Children at School.

XVII. The commissioners of Her Majesty's Treasury, upon the representation of the secretary of state, may, out of moneys provided by parliament, contribute towards the maintenance of any children sent to school in pursuance of this Act, except such children as are sent to school, in pursuance of this Act, at the desire of their parents, and on their representation that they are unable to control them, at such rate per head as may be determined by him, or such portion of the cost as may, not be recovered from the parent of the child in manner herein provided, or such other portion as the secretary of state may recommend.

Maintenance
of child at
school.

XVIII. The justices by whom any child is sent to school in pursuance of this Act, or justices having jurisdiction within the district where the school is situate to which any child is sent in pursuance of this Act, or in which the parent of such child shall reside, upon an application made by any person appointed by the secretary of state for that purpose, or by any agent of such person, shall have authority to make an order on

Order for
payment of
maintenance.

¹ See *ante*, s. 8.

the parent of such child for the payment, either at the time of the child being first sent to school, or at any time during his continuance at school, of the expenses of his maintenance at school to an amount not exceeding five shillings for every week during which the child remains at such school.

Variation
of order.

XIX. The order made by the justices may specify the time during which the parent is to pay the sums thereby directed to be paid, or it may be indefinite, and until further order; and any justices of the peace having jurisdiction to make such order may from time to time vary the same whenever circumstances require it, on the application either of the parent or of any person appointed by the secretary of state to receive the money, or by the agent of such person, on fourteen days' notice being first given of such application to such person or his agent, or to such parent, respectively.

Absconding from School.

Penalty on
child abscond-
ing.

XX. If any child, whether lodging in the school or elsewhere, before attaining the age of fifteen years, or before being duly discharged, wilfully absconds from the school to which he is sent in pursuance of this Act, or neglects to attend thereat, or wilfully refuses to conform to the regulations thereof, any justices having jurisdiction in the place in which the school is situate or in which the child is retaken may, by writing under their hands and seals, order him to be sent back to the school, and to be detained there until he attains the age of fifteen years, or for such shorter period as the justices think fit, or, instead of sending him back to such last-mentioned school, the justices may commit him, under the provisions of the Act of the session of the seventeenth and eighteenth years of Victoria, chapter eighty-six, to any reformatory school certified under the said Act.

Penalty on
inducing child
to abscond.

XXI. Any person who directly or indirectly withdraws a child from the certified industrial school to which he has been sent, previously to his attaining the age of fifteen years or to being duly discharged, or who induces or aids him to abscond, or who knowingly conceals or harbours him, or in any way prevents his return, shall for every such offence incur a penalty not exceeding five pounds, or shall be liable, at the discretion of the justices, to be imprisoned for any period not exceeding twenty days.

Recovery of Penalties.

Mode of
recovering
penalties.

XXII. Penalties may be recovered and payments may be enforced under this Act in manner provided by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, and any Act amending the same.

Evidence.

XXIII. Whenever the secretary of state grants a certificate Evidence of to or withdraws it from any industrial school, in pursuance of school being this Act, he shall cause a notice of such grant or withdrawal to be published in the *London Gazette* within one calendar month, and such publication shall be sufficient evidence of the fact in all proceedings before justices and other courts.

XXIV. The order made by the justices sending any child to Evidence of a certified industrial school shall be forwarded to the managers order of thereof, and shall be a sufficient warrant for the detention of justices. the child.

XXV. Whenever it is necessary to prove that any industrial Evidence of school is duly certified under this Act, the production of an certificate attested copy of the certificate or of the notice published in of school, the *London Gazette* shall be sufficient evidence thereof; and the identity of the production of the order under which any child has been sent to child, and or is detained in any certified industrial school under this Act, making of orders. or a copy of such order, with a memorandum signed by one of the managers or their authorized secretary, or by the superintendent or master or matron of any such school, that the child named in such order was duly received into and is at the signing thereof detained in such school, or has been otherwise disposed of according to law, and the production of any order made under this Act, or a copy thereof, certified by the clerk to the justices making the same to be a correct copy, shall in all proceedings whatsoever be sufficient evidence of the due making and signing of all or any of such orders, memorandum, and certificate respectively, and of the sending, detention, and identity of the child or parent named in such orders respectively, without proof of the signatures of the justices or other persons appearing to have signed the same respectively.

Forms.

XXVI. No summons, notice, or order made for the purpose Use of form in of carrying into effect the provisions of this Act shall be schedule. invalidated for want of form only; and the form in the schedule to this Act annexed, or any form to the like effect, may be used in the case to which it refers, and when used shall be deemed sufficient.

Repeal of Acts.

XXVII. There shall be repealed the Acts hereinafter men- Repeal of tioned; that is to say, Acts herein

1. An Act passed in the session holden in the twentieth and named. twenty-first years of Her Majesty, chapter forty-eight, intituled "An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools:"
2. An Act passed in the session holden in the twenty-third

24 & 25 VICT. CAP. 125.

AN ACT to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business.
[6th August, 1861.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. The overseers of any parish in England the population whereof shall exceed four thousand persons according to the census for the time being, with the consent of the vestry, called after due notice, and with the consent of the poor law board, signified by an order under their seal, may hire any room, or purchase or take upon lease or exchange any land or building, or sell land belonging to such parish, and invest the proceeds of such sale in the purchase of other land and building, or erect a suitable building on any land acquired as aforesaid, for the purpose of an office for the transaction of the business of the parish.¹

And the Lands Clauses Consolidation Act, 1845, (except the parts and enactments of that Act with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the recovery of forfeitures, penalties, and costs,) shall, in so far as the same is consistent with this Act, be incorporated with this Act.

And for the purposes of this Act the expressions "the promoters of the undertaking," or "the secretary," whenever used in that Act, shall respectively mean the overseers as aforesaid; and the expression "tolls or rates," whenever used in the said first-mentioned Act, shall mean moneys to be raised for the relief of the poor; and all lands and premises which shall be so purchased or taken on lease or exchange by the overseers of any parish shall be conveyed, demised, and assured to such overseers and their successors, in trust for the purposes aforesaid; and the yearly rent reserved by any lease shall be chargeable upon and paid out of the moneys to be raised for the relief of the poor of any such parish, and shall be paid by the overseers as aforesaid of such parish as such rent becomes payable; and if at any time any such rent be not paid within thirty days after it so becomes payable, and after demand thereof in writing, the person to whom any such rent shall be payable may either recover the same from the overseers as aforesaid, with costs of suit, by action of debt in any court of appropriate jurisdiction, or may levy the same by distress of the goods and chattels of

¹ With regard to the provision of vestry rooms, see 13 & 14 Vict. c. 57.

any of the overseers as aforesaid; and such overseers may provide the requisite furniture and fittings of such room or such building, and appoint and pay out of the poor rate such persons to take care thereof, or of any vestry room provided under the authority of the fifty-seventh chapter of the statute of the thirteenth and fourteenth years of the reign of Her Majesty, and to aid in the ordinary business of the parish, as the vestry shall authorize and the poor law board shall approve; and every such building and vestry room shall be warmed and lighted and with its furniture shall be kept in good condition and repair at the cost of the poor rate.

The overseers may provide depositories for parish documents.

II. The overseers of any parish may, with the consent of the vestry, provide proper depositories of all the documents, books, and papers belonging to such parish for which no provision is otherwise made by law,¹ and charge the cost thereof upon the poor rate.

Interpretation of terms.

III. The words used in this Act shall be construed in the like manner as in the Act of the fourth and fifth years of King William the Fourth, chapter seventy-six.²

24 & 25 VICT. CAP. 134.

AN ACT to amend the Law relating to Bankruptcy and Insolvency in England. [6th August, 1861.]

WHEREAS it is expedient to amend the laws relating to bankruptcy and insolvency in England: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

* * * * *

As to lunatic prisoners for debt:

Adjudication in case of lunatic prisoners for debt.

CVI. If any person being or alleged to be of unsound mind shall be in prison for debt, the gaoler shall forthwith require a justice of the peace for the county or place wherein such prison shall be to visit such debtor, and to inquire into his state of mind; and such justice shall call to his assistance two duly qualified medical practitioners, each of whom shall be a physician, surgeon, or apothecary, and each of whom shall separately examine such debtor; and if such two medical practitioners shall each sign a certificate with respect to such debtor, according to the form in Schedule H to this Act annexed, and such justice shall be satisfied from his own view that such debtor is of unsound mind, he shall certify the same to the proper court, and thereupon the court may appoint some person to represent

¹ See 58 Geo. 3, c. 69, s. 6.

² See 4 & 5 Wm. 4, c. 76, s. 109.

such debtor, and direct such proceedings to be taken for adjudication in bankruptcy against him as the court shall think fit; and all proceedings under such adjudication shall be had and carried on in the same manner and with the like effect as if such prisoner had been of sound mind, and had presented a petition to the court for adjudication of bankruptcy, or as near thereto as the difference of circumstances will permit.

CVII. Any justice of the peace of the county or place aforesaid may thereupon remove such prisoner from such gaol, and may cause him to be sent to the asylum of the county in which such gaol shall be situate, in order that he may be placed under care and treatment as a lunatic; and such removal shall not be considered as an escape or final discharge from such gaol, and such prisoner shall thereafter be dealt with in all respects as a pauper lunatic, and shall be subject to the Acts of Parliament for the time being in force respecting pauper lunatics, or as near thereto as circumstances will permit: Power there-
upon for jus-
tice of the
peace to re-
move such
prisoners to
county asylum. Provided nevertheless, that in the event of his recovery from his lunacy, he shall, if still liable to be detained in custody as a debtor, be remitted to the gaol from whence he was received.

* * * * *

CLVI. The court, out of the estate and effects of the bankrupt, shall order payment of all such parochial rates as may be due from him at the time of his being adjudicated a bankrupt: One year's
parochial rates
may be paid
in full. Provided such rates have become due during the twelve months immediately preceding the bankruptcy.

25 VICT. CAP. 10.

AN ACT for continuing for a further limited Time, and for extending the Operation of Orders made under, "The Industrial Schools Act, 1861," and "The Industrial Schools (Scotland) Act, 1861." [11th April, 1862.]

WHEREAS by "The Industrial Schools Act, 1861," and "The Industrial Schools (Scotland) Act, 1861," powers are given to the 24 & 25 Vict.
cc. 113 and
132. justices in England and to magistrates in Scotland to send destitute and refractory children to industrial schools for such periods as they may think necessary, for their education and training; but doubts are entertained how far such Acts can be carried into operation, by reason of their duration being limited:¹ And whereas it is expedient that the duration of the said Acts should be extended, and effect should be given to orders made for sending children to school during the subsistence of the powers for that purpose given by the said Acts: Be it enacted by the Queen's most excellent Majesty, by and with

¹ See 24 & 25 Vict. c. 113, s. 29.

Continuance
of recited
Acts and of
orders made
under the
same.

the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. "The Industrial Schools Act, 1861," and "The Industrial Schools (Scotland) Act, 1861," shall respectively continue in force until the first day of January, one thousand eight hundred and sixty-seven, and no longer: Provided that all orders made or to be made under either of the said Acts before the first day of January, one thousand eight hundred and sixty-seven, and all the provisions of the said Acts, so far as is necessary for giving complete effect to such orders, shall continue in force after the first day of January, one thousand eight hundred and sixty-seven, in the same manner in all respects as if the duration of the said Acts were not limited to the first day of January, one thousand eight hundred and sixty-seven.

25 & 26 VICT. CAP. 43.

AN ACT to provide for the Education and Maintenance of
Pauper Children in certain Schools and Institutions.¹

[17th July, 1862.]

WHEREAS it is expedient that facilities should be given to guardians of the poor to provide education and maintenance for poor children in certain cases where they are not empowered to do so by the laws now in force: Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

Power to
guardians to
send poor
children to
schools.

I. That the guardians of any parish or union may send any poor child to any school certified as hereinafter mentioned,² and supported wholly or partially by voluntary subscriptions, the managers of which shall be willing to receive such child, and may pay out of the funds in their possession the expenses incurred in the maintenance, clothing, and education of such child therein during the time such child shall remain at such school (not exceeding the total sum which would have been charged for the maintenance of such child if relieved in the workhouse during the same period), and in the conveyance of such child to and from the same, and, in the case of death, the expenses of his or her burial.³

Poor law
board to
certify the
school.

II. The poor law board may, if they think fit, upon the application in writing of the managers of any such school as aforesaid, appoint such person as they shall deem proper to

¹ See also 18 & 19 Vict. c. 34.

² See s. 2, *post*.

³ See 7 & 8 Vict. c. 101, s. 31.

examine into the condition of the school, and to report to the, said board thereon, and, if satisfied with such report, that board may, by writing under the hand of one of their secretaries, certify that such school is fitted for the reception of such children or persons as may be sent there by the guardians, in pursuance of this Act; and it shall be lawful for the said board, if at any time they shall be dissatisfied with the condition or management of such school, by notice addressed to the managers, and signed as aforesaid, to declare that the certificate is withdrawn from and after a day to be specified therein, not less than two months after the date thereof.

III. If the poor law board shall be of opinion that any person is aggrieved by any child being so sent or kept at such school as aforesaid, the board may order any such child to be removed, and the guardians shall forthwith cause such child to be removed from the school, and every engagement previously entered into for the payment of the charges of such child shall thereupon cease, and become void for the future.

IV. Every school wherein any such child shall be received shall be open to the visitation and inspection of any inspector appointed by the poor law board, and he shall be empowered to make any examination into the state and management of the same which he shall deem requisite, and the condition and treatment of the said children therein, and shall make his report thereon to the said board; and the guardians by whom any child may have been sent to any such school as aforesaid may from time to time appoint any one of their body to visit and inspect such school, and such school shall at all reasonable times be open to such visitation or inspection.

V. The guardians may at any time, at their discretion, and shall, upon the requisition of the managers of the school, or upon the withdrawal of the certificate, as herein provided, cause any such child to be removed from any such school, and brought back to their parish or union.

VI. No child shall be sent to such school unless he or she be an orphan, or deserted by his or her parents or surviving parent, or be one whose parents or surviving parent shall consent to the sending of such child to the said school.

VII. Nothing herein contained shall enable the guardians to keep any child in any school against the will of such child, if above the age of fourteen, or of the parents or surviving parent of such child, whatever be the age of the child.

VIII. The expenses incurred by the guardians in respect of any child under this Act shall be charged to the same fund and in the same manner as the relief otherwise supplied to such child would be charged:

IX. No child shall be sent under this Act to any school which is conducted on the principles of a religious denomination to which such child does not belong.¹

¹ See 4 & 5 Wm. 4, c. 76, s. 19.

Poor law board may order children to be removed from school.

School to be open to inspection.

Guardians to bring back child to parish or union.

Description of child to be sent to school.

Continuance in school not to be compulsory.

Charge of expenses how to be borne.

Child not to be sent to certain schools herein named.

- Interpretation of "school." X. The several words used in this Act shall be construed as in the Act of the fourth and fifth years of William the Fourth, chapter seventy-six: and the word "school" shall extend to any institution established for the instruction of blind, deaf, dumb, lame, deformed, or idiotic persons, but shall not apply to any certified reformatory school.
- Extent of Act. XI. This Act shall not extend to Scotland or Ireland.

25 & 26 VICT. CAP. 61.

AN ACT for the better Management of Highways in England.²
[29th July, 1862.]

WHEREAS it is expedient to amend the law relating to highways in England: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Preliminary.

- Limits of Act. I. This Act shall not extend to Scotland or Ireland.
- Definition of "county" and "borough." II. The word "county" in this Act shall not include a county, as hereinbefore defined, is divided into ridings or other divisions having a separate court of quarter sessions of the peace, it shall mean each such division or riding, and not the entire county; and for the purposes of this Act all liberties and franchises, except the liberty of Saint Albans which shall be considered a county, and except boroughs as hereinafter defined, shall be considered as forming part of that county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary; the word "borough" shall mean a borough as defined by the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter seventy-six, "for the Regulation of Municipal Corporations in England and Wales," or any place to which the provisions of the said Act have been or shall hereafter have been extended.
- Definition of "parish," "highway district," and "highway board." III. The word "parish" shall include any place maintaining its own highways; the expressions "highway district" and "highway board" shall refer only to highway districts formed and highway boards constituted in pursuance of this Act.

¹ See 4 & 5 Wm. 4, c. 76, s. 109.

² With regard to this Act, see "Glen's Law of Highways."

IV. The Act passed in the session holden in the fifth and sixth years of the reign of his late Majesty King William the Fourth, chapter fifty, and intituled "An Act to consolidate and amend the Laws relating to Highways in that part of Great Britain called England," is hereinafter distinguished as "the Principal Act;" and this Act and the Principal Act, and the other Acts amending the Principal Act, are hereinafter included under the expression "the Highway Acts."

Definition of
"Principal
Act," and
"Highway
Acts."

Formation of Highway Districts.

V. Any five or more justices of a county may by writing under their hands require the clerk of the peace to add to or send with the notice required by law to be given of the holding of courts of general or quarter sessions a notice in the form marked (A.) in the schedule, or as near thereto as circumstances admit, that at the court therein mentioned a proposal will be made to the justices to divide the county or some part thereof into highway districts or to constitute the whole or some part thereof a highway district, and also require the clerk of the peace to send by post in a prepaid letter notices in the aforesaid form to the churchwardens or overseers of every parish mentioned in the said notice; and upon such requisition being complied with the justices assembled at the court of general or quarter sessions mentioned in the notice may entertain such proposal, and make a provisional order dividing their county or some part thereof into highway districts, or constituting the whole or some part of their county a highway district, for the more convenient management of highways, but such order shall not be of any validity unless it is confirmed by a final order of the justices assembled at some subsequent court of general or quarter sessions: Provided that when it is proposed that only a part of a county shall be divided into a highway district not less than two out of the five justices making such proposal shall be resident in the said district.

justices, in
general or
quarter ses-
sions as-
sembled, to
issue pro-
visional orders
for forming
highway dis-
tricts.

VI. The following regulations shall be enacted as to the making, confirmation, and approval of the orders of justices for forming highway districts:—

Regulations
as to the
making, &c.
of orders of
justices.

1. The justices making a provisional order under this Act shall appoint some subsequent court of general or quarter sessions to be held within a period of not more than six months, for the taking into consideration the confirmation of the provisional order by a final order:
2. The clerk of the peace shall add to or send with the notice required by law to be given of the holding of courts of general or quarter sessions a notice in the form marked (B.) in the schedule hereto, or as near thereto as circumstances admit, of the appointment so made by the justices in relation to the confirmation of the provisional order:

3. The justices assembled at the appointed court of general or quarter sessions may make a further order quashing the provisional order, or confirming it with or without variations, or respiteing the consideration of such provisional order to some subsequent court of general or quarter sessions, provided,—

Firstly, that where the variations made extend to altering the parishes constituting any highway district or districts as formed in the provisional order, the order shall be deemed to be provisional only, and shall be dealt with accordingly :

Secondly, that where a respite is made to any subsequent general or quarter sessions, the clerk of the peace shall give notice of such respite in manner in which he is required to give notice in respect of sessions at which a provisional or final order is proposed to be made.

4. The provisional order shall state the parishes to be united in each district, the name by which the district is to be known, and the number of waywardens (such number to be at least one) which each parish is to elect :
5. In addition to the foregoing matters, the provisional order may and the final order shall state the time, not being more than seven days after the first election of waywardens in pursuance of this Act, and the place at which the first meeting of the Highway Board is to be held in the district :
6. Notice of the provisional and final orders shall as soon as possible after the making thereof be given by the clerk of the peace, by publishing a copy in the *London Gazette* and in one or more newspapers circulating in the county, or if the whole county is not affected by such order in one or more newspapers circulating in the district affected by such orders, and by sending a copy by post in a prepaid letter to the overseers of every parish within the proposed highway district, and there shall be added to the notice of the provisional order the date of the sessions at which the confirmation of such order will be considered.

Restrictions on
formation of
highway dis-
tricts.

VII. The following restrictions shall be imposed with respect to the formation of highway districts in pursuance of this Act :

Firstly, there shall not be included in any highway district formed in pursuance of this Act any of the following places ; that is to say,—

Any part of a county to which the Act passed in the session holden in the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter sixty-eight, and intituled “An Act for the better Management and Control of the Highways in South Wales,” extends :

The Isle of Wight :

Any district constituted under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts :

Any parish or place the highways of which are at the time of the passing of this Act, or may be within six months afterwards, under the superintendence of a board established in pursuance of section eighteen of the Principal Act, unless with the consent of such board :

Any parish or place within the limits of the metropolis as defined by the Act passed in the session holden in the eighteenth and nineteenth years of Her Majesty, chapter one hundred and twenty, and intitled "An Act for the better Local Management of the Metropolis :"

Any parish or place, or part of a parish or place, the highways whereof are maintained under the provisions of any local Act of Parliament :

Secondly, there shall not be included in any highway district formed in pursuance of this Act any parish or place or part of a parish or place within the limits of a borough without the consent, firstly, of the council of such borough, and, secondly, of the vestry of the parish which, or part of which, is proposed to be included :

Thirdly, where any parish separately maintaining its own highways is situate in more than one county the whole of such parish shall, for the purposes of this Act, be deemed to be within the county within which the church of such parish, or (if there be no church) the greater part of such parish, is situate :

Lastly, where a parish separately maintaining its own poor is divided into townships, tithings, hamlets, or places, each of which separately maintains its own highways, it shall be lawful for the justices, if they think fit, in their provisional order to combine such townships, tithings, hamlets, and places, and to declare that no separate waywardens shall be elected for such townships, tithings, hamlets, and places, and that such parish shall be subject to the same liabilities in respect of all the highways within it which were before maintained by such townships, tithings, hamlets, and places separately, as if all their several liabilities had attached to the whole parish ; and that a waywarden or waywardens shall be elected for such parish as a whole ; and where such order is made, all the provisions herein contained in relation to parishes within the meaning of this Act shall be applicable to the parish formed by such combination.

Legal Objections to Formation of District.

Rules as to
objections and
evidence.

VIII. No objection shall be made at any trial or in any legal proceeding to the validity of any orders or proceedings relating to the formation of a highway district, after the expiration of three calendar months from the date of the publication in the *Gazette* of the order under which the district is formed; and the production of a copy of the *London Gazette* containing a copy of the order of justices forming a highway district shall be receivable in all courts of justice, and in all legal proceedings, as evidence of the formation of the district and of the matters in the said order mentioned.

* * * *

Expenses.

Expenses how
charged.

XX. The salaries of the officers appointed for each district, and any other expenses incurred by any highway board for the common use or benefit of the several parishes within such district, shall be annually charged to a district fund, to be contributed by and charged upon the several parishes within such district in proportion to the average of the expenditure incurred during the three last preceding years in such parishes respectively in maintaining and keeping in repair the highways thereof; but the expenses of maintaining and keeping in repair the highways of each parish within the district, and all other expenses in relation to such highways, except such expenses as are in this Act authorized to be charged to the district fund, shall be a separate charge on each parish.

Mode of
defraying
expenses.

XXI. For the purpose of obtaining payment from the several parishes within their district of the sums due from them, the highway board shall order precepts to be issued to the overseers of the said parishes, stating the sum to be contributed by each parish, and requiring the overseers of such parish, within a time to be limited by the precept, to pay the sum therein mentioned to the treasurer of the board, and the overseers shall comply with the requisition of such precept by paying the sums to be contributed by their respective parishes out of any moneys in their hands applicable to the relief of the poor, but no contribution required to be paid by any parish at any one time in pursuance of this Act shall exceed the sum of tenpence in the pound, and the aggregate of contributions required to be paid by any parish in any one year in pursuance of this Act shall not exceed the sum of two shillings and sixpence in the pound, except with the consent of four-fifths of the ratepayers of the parish in which such excess may be levied, present at a meeting specially called for the purpose, of which ten days' previous notice has been given by the waywarden of such parish, and then only to such extent as may be determined by such meeting: Provided, that in any parish where, for a period of not less

than seven years immediately preceding the passing of this Act, it has been the custom of the surveyor of highways for such parish to levy a highway rate in respect of property not subject by law to be assessed to poor rates, the moneys payable in pursuance of the precept of the highway board shall not be paid by the overseers, but may be raised and paid by the waywarden of such parish out of a highway rate, to be assessed and levied in manner and in respect of the property in and in respect of which the same would have been assessed and levied if this Act had not passed.

XXII. Where any parish as defined by this Act, and in this section called a highway parish, is not a parish separately maintaining its own poor, in this section called a poor law parish, the highway board shall issue their precept or precepts to the overseers of the poor law parish, or of the several poor law parishes if more than one, of which such highway parish forms part, and in the precept or precepts so issued shall specify the part or parts of the poor law parish or poor law parishes constituting the highway parish in which the sum required by the board is to be levied, and if there be more than one such parish shall apportion among such parts the amounts to be levied in each parish.

Provision where parish as defined by Act not co-extensive with parish maintaining its own poor.

Where any highway parish is so situate that there are no overseers to be found to whom the precepts of the board may be issued, or it is uncertain to what overseers such precepts should be issued, the precepts of the highway board shall be directed to the waywarden of such parish, and it shall be his duty to levy the sums therein required to be levied.

XXIII. Subject to the above-mentioned restrictions as to the amount of rates to be levied in pursuance of this Act, all overseers or other persons to whom precepts of a highway board are hereby directed or authorized to be issued shall have the same powers, remedies, and privileges for and in respect of levying the rates hereby authorized to be levied for making payments to a highway board as they would have in the case of levying ordinary rates for the relief of the poor.

Power to overseers, &c., to levy rates for making payments to highway board.

XXIV. If any payment required to be made by the overseers of any parish, or other persons authorized to levy rates by this Act, of moneys due to a highway board is in arrear, it shall be lawful for any two justices, on application under the hand of the chairman for the time being of such board, to summon the said overseers or other persons to show cause at petty sessions why such payment has not been made; and the justices at such petty sessions, after hearing the complaint preferred on behalf of the board, may, if they think fit, cause the amount of payment in arrear, together with the costs occasioned by such arrear, to be levied and recovered from the said overseers or other persons or any of them, in like manner as moneys assessed for the relief of the poor may be levied and recovered, and the amount of such arrear, together with the costs aforesaid, when levied and recovered, to be paid to the said board.

Mode of enforcing payments to highway boards.

Accounts.

Accounts to be made up to 25th March, and statement to be published.

XXV. The accounts of every highway board shall be made up and balanced to the twenty-fifth day of March in every year, and for the space of seven clear days immediately following shall be open for the inspection at the office of the clerk, or any other convenient place, of every ratepayer in the several parishes within the district, between the hours of ten and four; at the expiration of such time the accounts shall be audited by such board, and signed by the chairman, on or before the twenty-fifth day of April; and such board shall cause a statement showing the receipt and expenditure in respect of each parish and the apportioned part of expenditure chargeable thereto in respect of the district fund, and such other particulars, and in such form, as the secretary of state may direct, as hereinafter mentioned, to be printed and sent within thirty days after the said audit, by post or otherwise, to each member of the board and to the overseers of every parish within the district; and the clerk of the board shall furnish a copy of such statement to any ratepayer within the district on his application, and on the payment of a sum not exceeding one penny.

Power to appeal in respect of account of board.

XXVI. Where a waywarden or any ratepayer of any parish is of opinion that the amount charged to his parish for maintaining and keeping the highways therein, or in respect of the other expenses in relation to such highways, is more than the sum that has actually been expended in his parish, or than ought to have been charged thereto, he may appeal to the justices assembled at any court of general or quarter sessions held within the period of four months from the time at which the accounts were audited by the board, but no such appeal shall be entertained unless notice of the intention to appeal, specifying the amount complained of, is given to the board by the appellant in writing under his hand within fourteen days after the statement of such accounts shall have been sent to the overseers of such parish.

On the hearing of such appeal the court may rectify the accounts complained of, and may also rectify the sum to be contributed to the common fund, and calculated on the expenditure complained of.

If the appellant is successful the costs shall, unless the court otherwise orders, be paid by the board, and shall be charged to the parishes within the jurisdiction of the board other than the parish to which appellant belongs, in the same proportions in which such parishes contribute to the common fund of the board.

If the appellant is unsuccessful the board, if the waywarden be the appellant, may charge the costs of the appeal to the parish to which the appellant belongs, in the same manner as if they were expenses incurred in repairing the roads in such parish, and may levy the sum accordingly, and may carry the

sum so levied to the account of the several parishes within the jurisdiction of the board other than the parish to which the appellant waywarden belongs, in the same manner as if they were expenses contributed by such parishes to the common fund of the board; but if some ratepayer other than the waywarden is the appellant the court may order the costs of the appeal to be paid by such appellant, and such costs shall be recoverable in the same manner as a penalty is recovered under this Act.

* XXX. The highway board shall, at the end of each quarter, deliver or send in a prepaid letter to the overseers of every parish an account of the expenses of maintaining and keeping in repair the highways within their respective parishes during the preceding quarter. Quarterly account to be sent to overseers.

Supplemental Provisions.

XXXII. Where in pursuance of an Act passed in the twentieth year of the reign of Her present Majesty, chapter nineteen, and intituled "An Act for the Relief of the Poor in Extra-parochial places," any place is declared to be a parish,¹ or where overseers of the poor are appointed for any place, such place shall for the purposes of this Act be deemed to be a parish separately maintaining its own highways; and where in pursuance of the same Act any place is annexed to any adjoining parish, or to any district in which the relief of the poor is administered under a local Act, such place shall for the purposes of this Act be deemed to be annexed to such parish or district for the purposes of the maintenance of the highways, as well as for the purposes in the said Act mentioned. Provision as to extra-parochial places.

XXXIII. Where part of a parish is not contiguous to the parish of which it is a part, such outlying part may at the discretion of the justices be annexed to a district, and, when so annexed, it shall, for all the purposes of the Highway Acts, be deemed to be a parish separately maintaining its own highways. Provision for outlying part of parishes.

XXXVIII. No justice of the peace shall act as such in any matter in which he has already acted as a member of the highway board, and in which the decision of such board is appealed against. Limiting jurisdiction of justices.

XXXIX. Any highway district formed under this Act may from time to time be altered by the addition of any parishes in the same or in any adjoining county, or the subtraction therefrom of any parishes, and new highway districts may be formed by the union of any existing highway districts in the same or in any adjoining county, or any parishes forming part of any existing highway districts, or any highway district may be dis- Power to alter highway districts.

¹ See 20 Vict. c. 19, s. 1.

solved; but any such alteration of existing districts, or formation of new districts, or dissolution of any district, shall be made by provisional and final orders of the justices; and all the provisions of this Act with respect to the formation of highway districts and provisional and final orders of justices, and the notices to be given of and previously to the making of such orders, and all other proceedings relating to the formation of highway districts, shall, in so far as the same are applicable, extend to such alteration of existing or formation of new districts, or dissolution of districts, as is mentioned in this section; and in addition thereto provision shall be made, if necessary, in any orders of justices made under this section for the adjustment of any matters of account arising between parishes or parts of districts in consequence of the exercise of the powers given by this section. Where any parish is added to or any district united with any district in another county, the final order of the justices of the county in which such parish or district is situate shall not be confirmed by them until they shall have received the approval of their provisional order for such addition or union from the justices of the county in which the district is situate to or with which such addition or union is to be made. Where any highway district is dissolved, or where any parish is excluded from any highway district, the highways in such district or parish shall be maintained, and the provisions of the Principal Act in relation to the election of surveyors and to all other matters shall apply to the said highways, in the same manner as if such highways had never been included within the limits of a highway district.

* * * * *

Reservation
of right to
adopt Local
Government
Act.

XLI. Any parish or part of a parish included in a highway district may adopt the Local Government Act in the same manner and under the same circumstances in and under which it might have adopted the same if it had not been included in such district; and upon such adoption being made such parish or part of a parish shall cease to form part of such district, subject nevertheless to the payment of any contribution that may at the time of such adoption be due from such parish or part of a parish to the highway board.

Application of Principal Act.

Construction
of Principal
Act and this
Act.

XLII. The following regulations shall be observed with respect to the construction of the Principal Act and this Act:

1. This Act shall be construed as one with the Principal Act so far as is consistent with the provisions of this Act:

* * * * *

6. Any summons or notice, or any writ or any proceeding, at law or in equity, requiring to be served upon the board, may be served by the same being left at or transmitted through the post in a prepaid letter directed to the office

of the board, or being given personally to the district-
surveyor or clerk of the board.

* * * * *

XLVII. All penalties under this Act, and all moneys recover- Recovery of
able as penalties, may be recovered summarily before any two or penalties.
more justices in the manner directed by the Act of the session of
the eleventh and twelfth years of Her present Majesty, chapter
forty-three, and any Act amending the same; but where any
sum adjudged to be paid under this Act in respect of such
penalties or moneys exceeds five pounds, an appeal may be had
by any person aggrieved to a court of general or quarter ses-
sions in manner provided by the one hundred and tenth section
of the Act passed in the session holden in the twenty-fourth
and twenty-fifth years of the reign of Her present Majesty,
chapter ninety-six, intituled "An Act to consolidate and amend
the Statute Law of England and Ireland relating to Larceny
and other similar Offences."

* * * * *

SCHEDULE.

* * * * *

FORM (A.)

NOTICE is hereby given, That at the court of general or quarter
sessions to be held on the day of a
proposal will be made to divide the county of Lincoln into
highway districts [or to divide the parts of Holland in the county
of Lincoln into highway districts, or to constitute the county of Rut-
land a highway district, or to constitute the parishes of Alford,
Castle Carey, and Lovington, in the county of Somerset, a highway
district].

FORM (B.)

WHEREAS at a court of general or quarter sessions, held on the
 day of last, a provisional order was
made in the words following; that is to say [*here set out the
provisional order*],

Notice is hereby given, that the confirmation of the said provi-
sional order by a final order will be taken into consideration
by the justices at the court of general or quarter sessions to be
held on the day of next.

25 & 26 VICT. CAP. 82.

AN ACT for the more economical Recovery of Poor Rates,
and other Local Rates and Taxes.

[7th August, 1862.]

WHEREAS it is expedient to provide for the more economical recovery of poor rates and other local rates and taxes: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Consolidation
of proceedings
for the reco-
very of rates.

I. Where any number of local rates and taxes, whether of the same or of different kinds, are due from the same person, the rates and taxes so due may be included in the same information, complaint, summons,¹ order, warrant, or other document required by law to be laid before justices or to be issued by justices,² and every such document as aforesaid shall, as respects each rate or tax comprised in it, be construed as a separate document, and its invalidity as respects any one rate or tax shall not affect its validity as respects any other rate or tax comprised in it:

No costs shall be allowed in respect of several informations, complaints, summonses, orders, warrants, or other such documents as aforesaid, in cases where, in the opinion of the justices or court having jurisdiction over the said costs, one information, complaint, summons, order, warrant, or other document as aforesaid might have sufficed, regard being had to the provisions of this Act.

25 & 26 VICT. CAP. 86.

AN ACT to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.

[7th August, 1862.]

* * * * *

As to property
of insane per-
sons when of
small amount.
Power to lord
chancellor,
where lunatic
does not oppose

In order that the property of insane persons when the same is of small amount may be applied for their benefit in a summary and inexpensive manner, be it enacted as follows:

XII. Where, by the report of one of the masters in lunacy or of the commissioners in lunacy, or by affidavit or otherwise,

¹ See 25 & 26 Vict. c. 102, s. 18.

² See 12 Vict. c. 14, s. 3.

it is established to the satisfaction of the lord chancellor in application, trusted as aforesaid that any person is of unsound mind and and his property does not exceed one thousand pounds in value, or that the income exceed 1,000*l.* thereof does not exceed fifty pounds per annum, the lord chan- in value, or 50*l.* per annum, to apply cellor intrusted as aforesaid may, without directing any inquiry under a commission of lunacy, make such order as he may consider expedient for the purpose of rendering the property of such person, or the income thereof, available for his maintenance or benefit or for carrying on his trade or business.¹ it for his benefit in a summary manner, without inquisition. Provided nevertheless, that the alleged insane person shall have such personal notice of the application for such order as aforesaid as the lord chancellor shall by general order to be made as after mentioned direct.

XIII. For the purpose of giving effect to any such order as is mentioned in the last preceding section the lord chancellor intrusted as aforesaid may order any land, stock, or other property of such person as aforesaid to be sold, charged by way of mortgage, or otherwise disposed of, and a conveyance, transfer, charge, or other disposition thereof to be executed or made by any person on his behalf, and may order the proceeds of any such sale, charge, or other disposition, or the dividends or income of such land, stock, or property, to be paid to any relative of such insane person, or to such other person as it may be considered proper to trust with the application thereof, to be by him applied in the maintenance or for the benefit of the insane person, or of him and his family, either at the discretion of such relative or person, or in such manner, and subject to such control, and with or without such security for the application thereof, as the lord chancellor intrusted as aforesaid may direct; and for the purpose above-mentioned the lord chancellor intrusted as aforesaid shall have all the same powers with respect to the transfer, sale, and disposition of, and otherwise respecting, the real and personal property of such person as aforesaid as if he had been found lunatic by inquisition. Power to sell land or other property of lunatic for his benefit.

XIV. The lord chancellor may from time to time make such general orders as he may think fit for regulating the procedure to be adopted and the duties to be performed by the masters and officers in lunacy for obtaining such reports as aforesaid, and for carrying the objects of the two last preceding sections into effect, and for vesting in such masters and officers such powers as the lord chancellor may consider expedient for the purposes aforesaid. Power to make general orders, to carry into effect the objects of the last preceding section.

XV. Where any person has, on the trial of any indictment, been acquitted on the ground of insanity, it shall be lawful for the lord chancellor intrusted as aforesaid, on being satisfied by affidavit or otherwise of the continued insanity of such person, and of his being still in confinement, to make any such order Power to apply property of persons acquitted on the ground of insanity for their benefit.

¹ See 16 & 17 Vict. c. 70, s. 120, and 16 & 17 Vict. c. 97, ss. 94, 104.

with respect to the property of such person, and the application thereof for his maintenance or benefit, or that of his family, or for carrying on his trade or business, as is mentioned in the three last preceding sections of this Act.

* * * * *

25 & 26 VICT. CAP. 102.

AN ACT to amend the Metropolis Local Management Acts. [7th August, 1862.]

18 & 19 Vict.
c. 120.

19 & 20 Vict.
c. 112.

21 & 22 Vict.
c. 104.

WHEREAS an Act was passed in the session of parliament holden in the eighteenth and nineteenth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for the better Local Management of the Metropolis:" And whereas the said Act was amended by a certain other Act passed in the session holden in the nineteenth and twentieth years of the reign of Her present Majesty, chapter one hundred and twelve, and was further amended, and certain further and other provisions were made, by another Act passed in the session holden in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter one hundred and four: And whereas it is expedient further to amend the said first-mentioned Act: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

* * * * *

Sums to be
assessed by
metropolitan
board.

V. From and after the passing of this Act the one hundred and seventieth section of the firstly recited Act is hereby repealed; and in lieu thereof be it enacted, that the metropolitan board of works shall from time to time ascertain and assess upon the several parts of the metropolis the several sums which, having regard to the annual rateable value of the property in such parts respectively, ought to be charged thereon for defraying the expenses of the said board in the execution of the firstly and secondly recited Acts and of this Act, and any such sums may be assessed wholly or in part in respect of expenses incurred or to be incurred, and also in respect of any unpaid balance of any former precept of the said board: Provided always, that such repeal shall not in any respect affect any Act, matter, or thing whatsoever done or commenced to be done under or by virtue of the said firstly and secondly recited Acts, or any proceeding taken or to be taken under the thirdly recited Act, or to affect or prejudice, except as herein specially provided, in any way the rights or liabilities of any district or part under the one hundred and eighty-first section of the firstly

recited Act, but the same shall be judged of in all respects as if this Act had not been passed.

VI. For the purpose of making any assessment under the preceding section the board shall estimate the annual value of property according to the estimate or basis on which any county rate in force in any part of the metropolis is made, or where there is no such county rate, according to a like estimate or basis.¹

VII. All such assessments to be made by the metropolitan board of works shall be assessed and charged by the said board upon the same basis and in the same manner as the county rate is assessed and charged by the justices under the statutes in force for assessing and charging county rates in England and Wales.² Provided always, that all precepts shall be issued and rates levied by the said board in manner directed by the several recited Acts relating to the better local management of the metropolis and by this Act, so far as relates to making precepts and levying rates.

VIII. The assessment of any moneys to be assessed by the metropolitan board of works for the expenses of executing the firstly and secondly recited Acts and this Act, and the precepts for obtaining payment of moneys required by the board for that purpose, may be according to the forms contained in Schedule C to this Act, or to the like effect.

IX. The vestry of any parish mentioned in Schedule A to the firstly recited Act, or the board of works for any district to whom any precept of the metropolitan board shall be directed, may, if they shall see fit, pay to the person or body authorized by the said metropolitan board to receive the same the sum required by such precept, within such time as may be therein mentioned, out of any moneys in their possession at the time of their receiving such precept, or which may come into their hands at any time within two calendar months next after the service thereof; and all payments so made by any vestry or district board shall be charged by them against and reimbursed to them out of the moneys which the said vestry or district board shall and which they are hereby required to raise and collect by virtue of such precept.

X. Where, by any local Act of Parliament, the poor rate in any parish in Schedules A or B to the firstly recited Act is made by the vestry of such parish at a fixed period or periods in every year,³ it shall be lawful for such vestry, at their discretion, to include in the sewers rate for their parish such sum or sums of money as they may consider necessary to meet any precepts received or to be received from the metropolitan board of works during the period for which such poor rate extends, to defray the expenses of the said board in the execution of the said first-recited Act; and, at the time of making

¹ See 15 & 16 Vict. c. 81; and 25 & 26 Vict. c. 103, s. 28.

² See 15 & 16 Vict. c. 81.

³ See 18 & 19 Vict. c. 120, s. 90.

such poor rate, also to make a separate rate for the metropolis main drainage, to meet the precept received or to be received from the metropolitan board of works for the sum assessed for such rate during the year, such rates to be levied in the same manner, for the same period, upon the same persons, and to be subject to the like provisions as the sewers rate by the first-recited Act, and to be contained in the same book or books as the poor rate of the said parish, but distinguishing the title of each of the said separate rates or assessments, and to be collected quarterly or otherwise by such person or persons as shall be appointed by the said vestry to receive and collect the same: Provided, that nothing herein contained shall prevent the said metropolitan board of works from requiring payment, or relieve the vestry of any parish from the payment, of the sums assessed by such board at such times as they are now entitled by precept to require the same.

Sums collected in places in Schedule C to 18 & 19 Vict. c. 120, beyond amount of rate for main drainage rate, &c., to be placed to credit of such places.

XI. Where, under or by virtue of any rate or assessment made by an assessor appointed by the said metropolitan board of works, for the metropolis main drainage rate, any moneys shall have been or shall be collected in any place mentioned in Schedule C to the firstly recited Act beyond the amount required to satisfy the amount of the assessment of the said board upon the same place, and the expenses of and incidental to the preparing, making, collecting, and levying such rate or assessment, the excess shall be placed by the said board to the credit of such place, on account of the next assessment upon such place by the said board for the metropolis main drainage rate.

Payment of sums assessed upon places in said Schedule C.

XII. For obtaining payment of the sum assessed upon any place mentioned in Schedule C to the firstly recited Act for the metropolis main drainage rate, the said board shall issue a precept under their seal requiring payment of the amount mentioned in such precept to their treasurer, or into any bank therein mentioned, within such time or times as may be therein limited, and every such precept shall be directed to the masters of the bench,¹ treasurer, governors, or other body or persons having the chief control or authority in any such place; and the body or persons to whom any such precept shall be directed shall raise and levy the money required by the same by means of a separate rate, in like manner and subject to the like provisions as the sewers rate to be made under the provisions of the firstly recited Act and this Act; and the said body or persons may appoint one or more persons to collect any such rate, and may pay him or them such salary, poundage, or allowance as they may deem just and reasonable, and may take such security from every such collector for the due execution of his duty as they shall think reasonable and proper; and the several provisions hereinafter contained with respect to the levying, paying over, and accounting for moneys levied by collectors by direction

¹ See 20 Vict. c. 19, s. 3.

of any vestry shall be applicable to every such collector : and the several enactments with respect to the levying of moneys by the said metropolitan board on the default of vestries and district boards shall apply in case of a default by the body or persons to whom any such precept may be directed by the said board to levy and pay over the money therein named according to the exigency thereof.

XIII. It shall be lawful for the metropolitan board of works, in case of any omission or other inaccuracy in any assessment or precept which they have made or issued, to make such amendments or alterations therein as may render the same conformable to the provisions of the recited Acts and this Act ; and it shall be lawful for the said board, should they deem it requisite and proper, to revoke any precept which they may have issued, and to issue another precept in lieu thereof.

Metropolitan board may amend assessments and precepts where necessary.

XIV. Whenever any vestry or district board shall by their order require the overseers of any parish or place to levy and pay over the sum or sums of money which such vestry or board may require, under the provisions of the said recited Acts or this Act, such overseers shall, within such period after the levying of the said sum or sums or any part thereof as the said vestry or board shall determine, pay over to the treasurer of the said vestry or board, or to any officer, or into any bank in such order mentioned, the amount mentioned in such order, and the excess, if any, which may have been levied beyond such amount, less the expenses of and incidental to the making and collecting of the same, and shall make out and deliver to the said vestry or board a true and perfect account in writing signed by them, and duly audited by the auditors appointed for such parish or place under the provisions of the firstly recited Act, of all moneys and rates received by them in pursuance of the said order, and shall for such purpose produce to the said auditors the vouchers, counterfoils, or receipts for all payments made to or by them ; and such auditors shall, for the purposes of the said audit, have all and every the powers and authorities given to the auditors named in the 195th section of the firstly recited Act ; and in case any overseers shall fail to pay over such moneys or rates as aforesaid, or to render such account, or to produce such vouchers, counterfoils, and receipts for the space of twenty-one days after being thereunto required, they shall be subject to the penalties mentioned and contained in the sixty-fifth section of the firstly recited Act : Provided always, that where the term "overseer" or "overseers" shall extend to and include any vestry elected under the firstly hereinbefore recited Act, or any board of trustees or governors of any parish or place chosen under any local Act now in force, the provisions of this clause shall not be applicable to such vestry or board of trustees or governors, so long as the orders of the vestry or board shall be duly complied with and satisfied ; and in every case in which the vestry does not appoint a collector

Overseers to pay over and account for moneys to vestries and district boards.

or collectors to collect such rates, the said overseers are hereby authorized to employ and pay one or more collector or collectors to collect all such rates, and to take from every such collector security for his duly collecting such rates, and paying over and accounting for the same, and such security shall enure to the benefit of the overseers for the time being of every such parish or place who shall have all such and the same remedies thereon as the overseers to whom such security was originally given.

Power to metropolitan board, vestries, and district boards to demand to be furnished with copies of poor rate, &c.

XV. It shall be lawful for the metropolitan board of works, or for the vestry of any parish mentioned in Schedule A to the firstly recited Act, or for any district board, by order in writing, to require the vestry clerk, overseer, collector, or other person having the custody or control of any rate for the relief of the poor in any parish or place, or of any other rate, or of any book containing a copy of any such rate as aforesaid, to furnish, within such period, not being less than seven days, as shall be limited in such order, a true copy of such rate for the relief of the poor, or other rate, or of such copy thereof as aforesaid, or of such part or parts of the same as shall be specified in such order, on payment or tender for such copy at the rate of sixpence for every twenty-four names (inclusive of all the particulars in the several columns in the rate, so far as such particulars have reference to such names respectively), and the said copy shall be examined by and signed by such vestry clerk, overseer, collector, or other person, and shall be verified by his solemn declaration, if the said metropolitan board or vestry or district board shall require the same, which solemn declaration any justice of the peace, or commissioner duly authorized, is hereby empowered to administer; and any person having the custody or control of such rate, or copy thereof, who shall refuse or neglect to make and deliver to such metropolitan board, vestry, or district board, or any person by them authorized to receive the same, such copy or extract, or to make such solemn declaration as aforesaid, shall be liable to a penalty not exceeding ten pounds for every such offence, and to a further penalty not exceeding ten pounds for each and every day during which the said offence shall be continued, to be recovered by a summary proceeding.¹

Expenses incurred by vestries named in Schedule B, in execution of Acts to be paid by district boards.

XVI. Whenever the vestry of any parish mentioned in Schedule B to the firstly recited Act shall have lawfully incurred any expenses in the execution of the said recited Acts or this Act, the board of works for the district in which such parish may be situate shall, in case the payment of such expenses is not otherwise provided for, pay and discharge the amount of such expenses out of the moneys which they are by the firstly recited Act authorized to raise for the payment of the expenses of the execution of such Act.

Recovery of moneys

XVII. The sums from time to time assessed by the metro-

¹ See 18 & 19 Vict. c. 120, s. 171.

politan board of works upon or in respect of any extra-parochial¹ or other property which was included in any separate sewerage district under the metropolitan commission of sewers, for or towards payment of any debt or debts charged upon such district at the determination of the said Act of the eleventh and twelfth Victoria, chapter one hundred and twelve, or of any interest thereon, for the payment of which provision is not otherwise made in the said recited Acts or this Act, shall be paid, on demand, to the said board, by the occupier of the tenements or premises,¹ or by the person or persons in receipt of any tolls or profits issuing out of any incorporeal hereditaments in respect of which such assessment shall be made, and every such sum may be recovered by the said board by an action at law or by a summary proceeding before a justice, at the option of the same board.

XVIII. In any proceedings before any justice or justices, by or on behalf of any vestry, district board, overseer, or collector, against the occupier or owner of any premises, for the recovery of any rates assessed under the said Acts or this Act which may be in arrear, all the rates for the recovery of which such proceedings shall be taken shall be included in the same summons,² and the charge for such summons shall not exceed one shilling, and the signature of any justice or justices to any such summons may be either in writing or by a stamp affixed as such justice or justices may direct.

One summons only to issue for the recovery of rates.

XXXVI. The inspectors of votes directed to be appointed under the firstly recited Act³ for any parish, or where any parish is divided into wards, for any ward of a parish, may, before commencing the duties of their office under the said Act, appoint by writing under their hands an umpire; and in case the said inspectors shall be unable to agree upon or determine by a majority any matter which they are by the said Act required to determine, such matter shall be decided by the said umpire, and his decision in relation thereto shall be final and conclusive.

Inspectors of votes to appoint umpire.

XXXIX. If any person be returned to serve in any vestry for more than one ward, he shall on or before the next meeting of the vestry after such election signify in writing to the clerk of such vestry his decision as to the ward which he may desire to represent on such return; and if before or at such meeting he shall refuse or neglect so to do, the vestry shall determine the ward which he shall represent; and the vacancy occasioned by such determination or decision shall be filled up by an election to be held for that purpose within one month from the date of such determination or decision, such elections to be

Provision in case of a vestryman being returned for more than one ward.

¹ See 20 Vict. c. 19, s. 1.

² See 12 Vict. c. 14, s. 3; and 25 & 26 Vict. 82, s. 1.

³ See 18 & 19 Vict. c. 120, s. 16.

conducted in the like manner as the annual elections of vestrymen.

* * * * *

Annual report
of officer of
health.

XLIII. The officer or officers of health for each parish or district shall make an annual report to the vestry or district board of the sanitary condition of the parish or district, and upon the other matters set forth in the one hundred and thirty-second section of the firstly recited Act, and it shall not be necessary to append to the annual report of the vestry or district board, to be made in the month of June in each year, a copy of any other report of such officer or officers than such annual report.

* * * * *

Execution of
works of
sewerage by
vestries and
district
boards be-
yond the
limits of the
metropolis.

LVIII. Whereas the vestries of the parishes mentioned in Schedule A of the firstly recited Act and district boards are, by the sixty-ninth section of the said Act, subject to the powers vested in the metropolitan board of works, empowered to make, repair, and maintain sewers vested in them, and to do and perform other works and matters as in the said section is mentioned, and it is expedient to give increased facilities to such vestries and district boards for the execution and performance of such works and matters: Be it therefore enacted, that whenever it shall be found necessary by the vestry of any parish mentioned in Schedule A to the said Act, or by the board of works of any district mentioned in Schedule B to the said Act, for the purpose of executing works for any of the purposes mentioned in the said section, to carry any sewer or work beyond the limits of the metropolis as defined by the said Act, it shall be lawful for any such vestry or district board to execute works in parts situate beyond or without such limits, and to cleanse, repair, and maintain such works as they shall from time to time deem necessary: Provided always, that no work shall be performed or commenced by any vestry or district board beyond the limits of the metropolis as above defined, except for the purpose of continuing or forming part of a work commenced or executed within their respective parish or district; nor shall any such works be performed or commenced without the consent in writing of the metropolitan board of works for that purpose first had and obtained, nor without the consent of the vestry or district board, or authorities of the parish or place through which the work may pass; but if any such vestry or district board or authority shall refuse such consent, one of Her Majesty's chief secretaries of state shall have authority under this Act to decide whether such consent ought to be withheld, and such secretary of state may make such order as to him shall seem just; but nothing herein contained shall apply to any work for the purpose of the main drainage of the metropolis under the recited Acts: Provided also, that no new sewer, either within or beyond the limits of the metropolis shall be made or executed by any vestry, district

Proviso.

board, or other body having control over sewers within the metropolis without the previous approval of the said metropolitan board.

* * * * *

Form of Precept demanding one sum assessed upon the whole of a parish or other place.

To the vestry [*or other body or person charged with payment of the amount*] of the parish [*or other place, describing it by name*].

By virtue of an Act passed in the nineteenth year of the reign of Queen Victoria, intituled "An Act for the better Local Management of the Metropolis,"

The metropolitan board of works do issue this their precept under their common seal to you the said vestry [*or chamberlain, &c.*], and do hereby require you to pay to

on or before the day of now
next ensuing, the sum of pounds shillings
and pence, being the sum which ought, in the judgment of the said board, to be charged upon the said parish [*or city, &c.*], for defraying the expenses of the said board in the execution of the said Act, and which they the said board did, on the day of 18 , ascertain and assess upon the said parish [*or city, &c.*], for such purpose, under and in pursuance of the provisions of the said Act and the Acts for amending the same in that behalf.

Dated this day of 18 . (L.S.)

Form of Precept demanding an amount made up of a sum assessed upon the whole of a parish or other place, and of a sum or sums assessed upon a part or parts of such parish or place.

To the vestry [*or other body or person charged with payment of the amount*] of the parish [*or other place, describing it by name*].

By virtue of an Act passed in the nineteenth year of the reign of Queen Victoria, intituled "An Act for the better Local Management of the Metropolis,"

The metropolitan board of works do issue this their precept under their common seal to you the said vestry, and do hereby require you to pay to on or before the

 day of now
sum of pounds shillings and
pence, the sum of pounds shillings and
 pence, (*sic*) part of the said sum of pounds
shillings and pence, being the sum which ought, in the judgment of the said board, to be charged upon the

whole of the said parish for defraying the expenses of the said board in the execution of the said Act, and which they the said board did, on the day of 18 , ascertain and assess upon the said parish for such purpose, under and in pursuance of the provisions of the said Act and the Acts for amending the same in that behalf.

* The sum of pounds shillings and pence, other part of the said sum of pounds shillings and pence, being the sum which ought in the judgment of the said board, to be charged upon that part of the said parish of which was at and immediately before the determination and expiration of the Metropolitan Sewers Act, 1848, included in the sewerage district, for defraying the expenses of the said board in the execution of the said Act, and which they the said board did, on the day of 18 , ascertain and assess upon the said part of the said parish for such purpose, under and in pursuance of the provisions of the said Act and the Acts for amending the same in that behalf. [*Where distinct sums are assessed upon other parts of the same parish, that portion of the preceding form commencing at * may be repeated in each case.*]

Dated this day of 18 .
(L.S.)

* * * * *

25 & 26 VICT. CAP. 103.

AN ACT to amend the Law relating to Parochial Assessments in England. [7th August, 1862.]

WHEREAS it is expedient that more effectual provision should be made for securing uniform and correct valuations of parishes in the unions of England: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Interpretation. I. The words used in this Act shall be construed in like manner as the words contained in the Act fourth and fifth of King William the Fourth, chapter seventy-six,¹ and the word "committee" shall signify the assessment committee provided for by this Act; and this Act shall be termed "The Union Assessment Committee Act, 1862."

Appointment of the assess- II. The board of guardians of every union, formed under the

¹ See 4 & 5 Will. 4, c. 76, s. 100.

Act fourth and fifth years of King William the Fourth, chapter, seventy-six, shall, as soon as convenient after the passing of this Act and in every subsequent year, at their first meeting after the annual election of guardians,¹ appoint from among themselves any number not less than six nor more than twelve to be a committee, consisting partly of ex-officio² and partly of elected guardians, to be called the assessment committee of the union, for the investigation and supervision of the valuations to be made as hereinafter mentioned within such union, and for the performance of such said acts and duties as hereinafter mentioned: Provided always, that one-third at least of such committee shall consist of ex-officio guardians, in case there shall be an adequate number of such ex-officio guardians; but in case an adequate number of such ex-officio guardians shall not exist, then the number so deficient shall be made up of elected guardians.

III. Where any union shall have the same bounds as a municipal borough,³ the clerk to the guardians of such union shall, upon the appointment of the assessment committee, if directed by the said guardians to do so, transmit in writing the names of the persons so appointed to the town council of such borough, and such council may thereupon, if they think fit, appoint from themselves a certain number, not exceeding the number appointed by the board of guardians, who shall, until they respectively cease to be members of the town council or decline to act, forthwith form part of the assessment committee for such union, and the said council may from time to time supply any vacancies in the number of persons appointed by them.

IV. If the guardians shall neglect or be prevented from making such appointment at the meeting above specified,⁴ the poor law board shall by their order appoint some other day on which the guardians shall make such appointment.

V. If any ex-officio or elected guardian being a member of the committee cease to be guardian, or resign his seat at such committee, or die, or become incapable of acting as such member, the board of guardians shall with all convenient speed appoint an ex-officio or elected guardian, as the case may be, to supply the vacancy.

VI. During any vacancy in any assessment committee the other or continuing members of such committee may act, and shall have the same powers and jurisdiction as if no such vacancy had happened.

VII. The authority of the committee appointed for any union under this Act shall extend over every parish comprised in such union.

¹ See 14 & 15 Vict. c. 105, s. 2; and Article 29 of the consolidated order, in "Glen's Poor Law Board Orders;" see also *post*, s. 4.

² See 4 & 5 Will. 4, c. 76, s. 38.

³ See 5 & 6 Will. 4, c. 76.

⁴ See s. 2, *supra*.

- First meeting, when to be holden. VIII. The committee shall hold their first meeting at the board-room of the union on a day to be fixed by the board of guardians, and the subsequent meetings of the committee shall be holden at such times and at such place and upon such notice and requisition as they shall from time to time appoint; and any guardian of the union may be present at any meeting of the committee, but shall not be entitled to take part in the proceedings thereof.
- Quorum of meetings. IX. All acts, orders, matters, and things by this Act authorized or directed to be made or done by the committee may be made or done by the major part of the members of such committee who shall be present at a meeting, the whole number present together at such meeting not being less than three, and not less in any case than one-third of the whole number of which such committee consists; and when upon any question there shall be an equality of votes the presiding chairman shall have a second or casting vote.
- Committee may employ and pay clerk. X. The committee shall employ the clerk or assistant-clerk of the board of guardians as their clerk, with such remuneration for his services as the poor law board shall sanction.¹
- Proceedings to be entered in books, and signed; XI. The committee shall cause a minute of their proceedings, and of the names of the members who attend each meeting, to be duly made from time to time in books to be provided for that purpose, which shall be kept by their clerk, under their superintendence, and every such entry shall be signed by the presiding chairman of the assessment committee present at the meeting at which the proceeding took place; and such entry purporting to be so signed, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the committee, or of the signatures of the members, all of which facts shall be presumed until the contrary be proved; and all such books shall at all seasonable times be open to the inspection of every person rated to the relief of the poor in any parish or place in the union, without any fee being demanded for such inspection; and all such persons shall be entitled at all seasonable times to take copies or extracts from the said books, without paying any fee for the same; and if, on request made for that purpose, the clerk of the committee refuse to permit any such person to inspect any such books, or to take copies or extracts therefrom, as aforesaid, such clerk shall for every such offence be liable to a penalty not exceeding five pounds, upon a summary conviction for the same before two justices of the peace.
- Such entries evidence.
- Books to be open to inspection.
- Proceedings of committees to be reported. XII. The board of guardians shall in the month of April in every year report the proceedings of their assessment committee to the poor law board.

¹ See s. 38, *post*.

XIII. The committee by their order may from time to time require the overseers, assistant-overseers, constables, assessors,¹ collectors,¹ and any other persons having the custody of any books of assessment of any taxes or rates, parliamentary or parochial, or of the valuations of any parish,² or having the collection or management of any such taxes or rates, to make returns in writing to the committee, at such times and places as they may appoint, of all such particulars as they may direct in relation to such taxes, rates, or valuations, or any property included therein, so far as relates to the union for which they act, and may require the persons having the custody of any such books as aforesaid to make and transmit to the committee copies of or extracts from such books, or to permit such copies or extracts to be made by such persons as the committee may in that behalf direct; and may from time to time require any persons having the custody of any such books, or the collection or management of any such taxes or rates as aforesaid, to attend before them at a time and place to be mentioned in the order in this behalf, and to produce all parochial and public books of assessment, rates, rate-books, valuations, apportionments, tithe and other maps, plans, surveys, and other public documents in their custody or power, and may examine all persons who shall attend before them: Provided always, that nothing herein contained shall authorize the production of valuations or assessments which by any provision of law at present are not suffered to be made public.¹

Committee may require returns from overseers, &c. ;

and may require production of rates, &c., and examine persons attending before them.

XIV. Subject to any order as hereinafter referred to³ which may be made by the committee, the overseers of each parish in the union shall, within three calendar months after the appointment of such committee, make a list of all the rateable hereditaments in such parish, with the annual value thereof respectively in so much of the form shown in the schedule annexed to the Act sixth and seventh William the Fourth, chapter ninety-six, as is set out in the schedule to this Act; and unless such overseers think that the valuation then last acted upon in assessing the rate for the relief of the poor correctly shows the full annual rateable value of all such hereditaments, they shall revise such valuation, and such overseers shall sign every list so made by them as aforesaid, and such list shall be styled "The Valuation List."

Overseers to prepare valuation lists.

XV. The gross estimated rental for the purpose of the schedule to this Act shall be the rent at which the hereditament might reasonably be expected to let from year to year, free of all usual tenant's rates and taxes, and tithe commutation rent-charge, if any: Provided that nothing herein contained shall repeal or interfere with the provisions contained in the first section of the said Act (six and seven William the Fourth,

Definition of gross estimated rental.

¹ See 26 & 27 Vict. c. 33, s. 22.

² See 6 & 7 Will. 4, c. 96, s. 3.

³ See s. 16, *post*.

chapter ninety-six,) defining the net annual value of the hereditaments to be rated.

Committee may enlarge the time for making valuation lists, and may give directions concerning valuations and valuation lists, and may appoint persons to make the same.

XVI. The committee by their order may from time to time enlarge the time within which the first valuation lists under this Act shall be made by the overseers of all or any of the parishes in the union,¹ and for ensuring a uniform and correct valuation of every parish in the union may direct that any existing valuation of the rateable hereditaments in any parish be revised, in whole or in part, or a new valuation of such hereditaments be made by the overseers, or the committee may, with the consent of the board of guardians of the union, after notice shall have been sent to every guardian thereof, in any case appoint some person for either of the purposes aforesaid, and may direct such person to make and sign the valuation list instead of the overseers, and every valuation list so made and signed shall be delivered by such person to the overseers of the parish to which the same relates.

Valuation lists to be deposited for inspection, and afterwards transmitted to the committee.

XVII. The valuation list for each parish made and signed by the overseers, or delivered to them, as hereinbefore provided,² shall be deposited by the overseers in the place in such parish in which rate books are deposited or kept, and a copy of such valuation list shall be forthwith delivered to the board of guardians, and the overseers shall give public notice of the deposit of such list on the Sunday next following the deposit of such list, and such notice shall be given in the same manner,³ and all persons assessed or liable to be assessed to the relief of the poor of such parish shall have the like right of inspecting, and of demanding and taking copies of and extracts from such list,⁴ as in the case of a poor rate allowed by the justices, and the overseers shall, at the expiration of fourteen days from the time of the notice given of the deposit of such list, transmit the same to the committee, and any overseer or other ratepayer within the union shall have the right of inspecting and taking copies of and extracts from any of the lists so transmitted.

Objections to valuation list.

XVIII. Any overseer or overseers of any parish in any union who shall have reason to think that such parish is aggrieved by the valuation list of any parish within such union, or any person who may feel himself aggrieved by any valuation list on the ground of unfairness or incorrectness in the valuation of any hereditaments included therein, or on the ground of the omission of any rateable hereditament from such list, may at any time after the deposit as aforesaid of such list, and before the expiration of twenty-eight days after the notice of the deposit as aforesaid,⁵ give to the committee and to the overseers a notice in writing of his objection, specifying the grounds thereof, and where the ground of any objection shall be unfairness or in-

¹ See s. 15 *supra*.

² See s. 16, *supra*.

³ See 17 Geo. 2, c. 3, s. 1; and 1 Vict. c. 45, s. 2.

⁴ See 17 Geo. 2, c. 3, s. 2; 17 Geo. 2, c. 33, s. 1; and 6 & 7 Will. 4, c. 96, s. 5

⁵ See s. 17, *supra*.

correctness in the valuation of any hereditament in respect of which any person, other than the person objecting, is liable to be rated, or the omission of such hereditament, also give notice in writing of such objection, and of the ground thereof, to such other person.

XIX. The committee shall hold such meetings as they may think necessary for hearing objections to the valuation lists, and shall, twenty-eight days at least before holding every meeting for hearing objections to valuation lists, other than meetings by adjournment, cause notice of such meeting to be given to the overseers of the several parishes to which such lists relate, and such overseers shall, on the Sunday next following the receipt of such notice, publish the same in the manner in which notice of a rate allowed by justices is by law required to be given,¹ and the committee may at any such meeting hear and determine such objections, or may from time to time adjourn any such meeting, and adjourn or postpone the hearing or further hearing and determination of any such objections, and may, where they think fit, direct notice of any such objections to be given by the overseers or by the persons objecting to third parties before the further hearing thereof; but the committee shall not be required to hold a meeting for hearing objections to the valuation list of any parish, unless such notice in writing as hereinbefore mentioned of some objection or objections thereto have been given to the committee; and where a meeting is holden for hearing objections to the valuation list of any parish, the committee shall not hear any objection to such valuation list unless such notice as aforesaid² of such objection have been given to the committee and to the overseers; and where the ground of such objection is unfairness or incorrectness in the valuation of any hereditament of any other person than the person objecting, or the omission of such hereditament, also to such other person by the person objecting, except where the overseers, by themselves or any other person on their behalf, and in the case aforesaid such other person as aforesaid, by himself or any other person on his behalf, consent to the hearing of such objection, and in such case the committee may, if they see fit, hear the same; and where the committee see fit to hear the same they shall act in relation thereto in like manner as if notice of such objection had been duly given.

XX. The committee may, whether any objection be or be not made to any such valuation list, and either before or after any meeting for hearing objections, make such alterations in the valuation of any hereditaments included in any valuation list, and insert therein any rateable hereditament omitted therefrom, and make such corrections in names, descriptions, and particulars in any valuation list, and upon such information, as to them may seem sufficient, and may, with the consent of the guardians

Committee to hold meetings to hear objections.

Board may direct further valuation, and correct valuation lists, and when corrected to approve the same.

¹ See 17 Geo. 2, c. 3, s. 1; and 1 Vict. c. 45, s. 2.

² See s. 18, *supra*.

as aforesaid,¹ appoint or employ a person to survey and value the rateable hereditaments comprised in any such valuation list or any of them, or omitted therefrom, or may take such other means as they may think necessary for ascertaining the correctness thereof; and when the committee have heard and determined all such objections as aforesaid,² and have made such alterations, insertions, and corrections in any valuation list as to them may seem proper, they shall approve the same under the hands of three members of the committee present at the meeting at which the same is approved, with the date of such approval.

Valuation list
when altered
to be deposited,
&c.

XXI. Where the committee make any alteration in the valuation of any hereditaments included in, or insert therein any rateable hereditament omitted from, any such valuation list, they shall cause such valuation list, with such alteration or insertion, to be deposited for inspection in manner hereinbefore provided, concerning the valuation list made by or delivered to the overseers,³ and shall cause the like notice to be given of such deposit as is required in the case of a valuation list so made or delivered as aforesaid,⁴ and shall appoint a day, not less than seven days nor more than fourteen days from the re-deposit of such valuation list, for the hearing of any objections to the valuation list as so altered; and when the committee have heard and determined any such objections, or have made such further alterations, insertions and corrections in such valuation list, they shall approve the same in manner hereinbefore provided.⁵

If on appeal a
rate is amended
the valuation
list to be
altered.

XXII. In case any ratepayer shall under the existing law appeal to the special sessions⁶ or quarter sessions⁷ against any rate made for the relief of the poor in any parish, and the result of such appeal shall be to amend the rate appealed against, the assessment committee shall alter the valuation list of the said parish in conformity with the decision so made.

Custody, &c.,
of valuation
list after ap-
proval.

XXIII. Every valuation list, when approved by the committee, shall be delivered to the overseers of the parish to which the same relates, and shall be preserved at the like place and in the like custody, and be subject to the like resort thereto, and be delivered over from time to time in like manner,⁸ as the books are wherein rates and assessments for the relief of the poor for the same parish are entered, and shall be produced by the overseers before the justices, upon application, for the allowance of rates, and at the special⁹ or general or quarter sessions¹⁰ when any appeal is to be heard, and also at such

¹ See s. 16, *supra*.

² See s. 19, *supra*.

³ See s. 17, *supra*.

⁴ See *ibid*.

⁵ See s. 20, *supra*.

⁶ See 6 & 7 Will. 4, c. 96, ss. 6, 7.

⁷ See 17 Geo. 2, c. 38, ss. 4, 5, 6;
and 41 Geo. 3, c. 23, ss. 1—8.

⁸ See 17 Geo. 2, c. 3, s. 2; 17
Geo. 2, c. 38, s. 13; 58 Geo. 3, c. 69,
s. 6; 6 & 7 Will. 4, c. 96, s. 5; 24
& 25 Vict. c. 125, s. 2.

⁹ See 6 & 7, Will. 4, c. 96, ss. 6, 7.

¹⁰ See 17 Geo. 2, c. 38; and 41
Geo. 3, c. 23.

times and places as the committee may from time to time direct.

XXIV. Every valuation list approved by the committee, and delivered to the overseers of the parish to which the same relates, shall, with and subject to the alterations and additions for the time being made therein or thereto by any supplemental valuation lists so approved and delivered, be the valuation list in force in such parish, except in the case of any parish, as is hereinafter referred to,¹ in which the poor rate, or assessment for the poor rate, is made under the authority of a local Act, until a new valuation list in substitution for the same be approved and delivered in like manner.

What shall be deemed valuation lists in force.

XXV. When and so often as any property not included in the valuation list in force in any parish becomes rateable, or where, by reason of any alteration in the occupation of any property included in such list, such property becomes liable to be rated in parts not mentioned in such list as rateable hereditaments and separately valued therein, and when and so often as it shall appear to the overseers that any rateable property included in such list has been increased or reduced in value since the valuation thereof, whether by building, destruction of building, or other alteration in the condition thereof or otherwise, the overseers of the parish in each of the cases aforesaid shall, as soon as conveniently may be, make a supplemental valuation list showing the annual rateable value according to the judgment of the overseers of the property so become rateable, or of the parts so become liable to be rated separately, or of the property so increased or reduced in value, as the case may be.

Overseers to prepare supplemental valuation lists in case of additions to or alterations in the rateable property of the parish.

XXVI. The committee by their order may from time to time, where they see fit, upon the application of any person aggrieved by the valuation list in force in any parish, or where they themselves think the same expedient, direct a new valuation of all or any of the rateable hereditaments in such parish, and a new valuation list in substitution for such valuation list as aforesaid, or a supplemental list in substitution for any part thereof or in addition thereto, to be made by the overseers, or the committee may, with such consent as aforesaid,² appoint a person for such purposes; and the committee may, in directing such new valuation, and the making of such new or supplemental valuation list, give and make all such or the like directions and provisions in relation thereto as they are authorized under this Act to give and make in relation to the valuations and valuation lists first directed and authorized to be made under the Act.

Committee may from time to time direct new valuation, and new or supplemental valuation lists.

XXVII. All the provisions of this Act in relation to signature, deposit, objections, approval, and otherwise concerning the valuation list first directed and authorized to be made under this Act of the rateable hereditaments in any parish shall be

This Act as to valuation lists first directed to be made to apply to new and

¹ See s. 29, *post*.

² See s. 1C, *ante*.

supplemental valuation lists. applicable to every new or supplemental valuation list to be made under this Act.

After a valuation list is approved no rate to be allowed unless made according to such list. XXVIII. In every parish where a valuation list under this Act has been approved and delivered to the overseers, no rate for the relief of the poor, or other rate which by law is required to be based upon the poor rate, shall be of any force, unless the hereditaments included in such rate, except as hereinafter provided, be rated according to the annual rateable value thereof appearing in the valuation list in force in such parish; and instead of the declaration required by the second section of the said statute of the sixth and seventh years of William the Fourth, chapter ninety-six, the overseers shall, before the rate shall be allowed by the justices, sign a declaration according to the form set forth in the schedule hereunto annexed: Provided always, that where by reason of any alteration in the occupation of any property included in such list such property has become liable to be rated in parts not mentioned in such list as rateable hereditaments, and separately rated therein, such parts may, where a supplemental valuation list showing the annual rateable value of such parts has not been approved and delivered as hereinbefore required, and whether such list has or has not been made, be rated according to such amounts as shall be fair apportioned parts of the annual rateable value appearing in such valuation list in force as aforesaid of the hereditaments out of which such parts have been constituted.

Provision for places under local Acts. XXIX. The provisions of section twenty-eight shall not apply to any poor rate made by any vestry, trustees, guardians, commissioners, overseers, or other persons authorized by any local Act to make the rate for the relief of the poor in any parish, or the assessment on which such rate is made.

In computing amount of contributions to common fund the annual rateable value to be taken from approved valuation lists. XXX. When the assessment committee for any union shall have approved valuation lists for all the parishes comprised within such union, the guardians of such union, in computing the amount of contribution to the common fund for the several parishes, shall thenceforward take the annual rateable value of the property in such parishes respectively from the valuation lists for the time being lastly approved of for such parishes respectively, any statute to the contrary notwithstanding: Provided that in case any parish comprised in any union shall receive any sum of money as a contribution in aid of the poor rate of such parish, for or in respect of government property within such parish and used for public purposes, the annual value of such property, according to the estimate (if any) of such value on which the amount of the sum of money so received is computed, or, if there be no such estimate, then the annual value of such property, estimated in the mode provided by the Act sixth and seventh William the Fourth, chapter ninety-six,² for making an estimate of the annual rateable value

¹ See 24 & 25 Vict. c. 55, ss. 9, 10.

² See 6 & 7 Will. 4, c. 96, s. 1.

of property liable to be rated to rates for the relief of the poor, shall be included by the overseer or overseers in the valuation list of such parish, and shall be added to the annual rateable value of the property in such parish in computing the amount of contribution to the common fund for the several parishes in such union.

XXXI. The committee shall cause a copy of the valuation list for the time in force for every parish in the union to be made and deposited at the board room or other convenient place to be appointed by the board of guardians in the custody of the clerk, which copy shall be open at seasonable times to the inspection of any of the guardians of the union, and of any overseer of any parish within the union, without charge, and of any ratepayer within the union on payment of one shilling, such fee to be carried to the account of the common fund.

Copy of valuation lists to be deposited in board room.

XXXII. If the overseer or overseers of any parish in any union shall have reason to think that such parish is aggrieved by the valuation list of any parish within such union, whether it be on the ground that the rateable hereditaments comprised in the valuation list of such parish are valued at sums beyond the annual rateable value thereof, or on the ground that the rateable hereditaments comprised in the valuation list of some other parish in such union are valued at sums less than the annual rateable value thereof, it shall be lawful for such overseer or overseers, with the consent of a vestry summoned for the purpose of considering the expediency of giving such consent, to appeal to the quarter sessions for the county or borough in which the greatest number of parishes belonging to the union is situate, or, in case the number of parishes in any two or more such jurisdictions is equal to the quarter sessions for the county or borough having jurisdiction over the parish in which the workhouse of the union is situate, at the sessions to be holden after the expiration of a month after the allowance of and deposit of such valuation list as aforesaid, against such valuation list of the parish which shall appear to be over-valued or under-valued; and if in any case any such overseer or overseers appeal against the valuation list of any other parish on the ground that the rateable hereditaments in such list are valued at less than the annual rateable value thereof, such overseer or overseers shall give fourteen clear days' notice in writing previous to the first day of the said quarter sessions at which the appeal is to be made of the intention to appeal, and the grounds thereof, to the overseers of the poor of such parish, and to the guardians of the union comprising such parish; and if any overseer or overseers of any parish appeal against the valuation list of such parish on the ground that the rateable hereditaments in such list are valued beyond the annual rateable value thereof, such overseer or overseers shall give fourteen days' notice in writing previous to the quarter sessions at which the appeal is to be made of the intention to appeal, and the grounds thereof, to the guardians

Appeal against valuation list.

of the union in which such parish is situate, the said court shall be empowered to hear and determine such appeal, and either confirm such valuation list, or correct such irregularities or inaccuracies as shall be proved to exist therein as to them may appear fair and just; but no such valuation list shall upon such appeal be quashed or destroyed in regard to any other parish unless the court deem it necessary to proceed to the making of an entire new valuation list as hereinafter provided.

Hearing and
determining
appeals.

XXXIII. It shall be lawful for the court of quarter sessions upon any such appeal, instead of hearing the said appeal, to adjourn the same, and to order, upon the application of the appellant or respondent in such appeal, a survey or valuation of any of the parishes in respect of which such appeal shall be made, and to fix the next or some subsequent sessions for receiving such survey or valuation, and for hearing and determining such appeal: and such court shall also thereupon appoint a proper person to make such survey or valuation, and the person so appointed shall have power, with or without assistants, to enter upon and survey, measure, and value all the hereditaments liable to be assessed to the rates for the relief of the poor within the parish or parishes mentioned in such order, and such survey and valuation shall be reported to the quarter sessions on adjournment fixed as aforesaid for receiving the same, and the court then and there assembled shall hear and determine the said appeal in the manner hereinbefore set forth.

Costs of valuation and
appeal.

XXXIV. The charges and expenses of any such survey and valuation so ordered shall be deemed costs in such appeal, and abide the event thereof, and the court before which any such appeal is heard and determined may order the costs in and about the appeal to be paid by either the appellant or respondent party, as they in their discretion may think fit; but where any appeal is made on the ground that the rateable hereditaments of any parish comprised in the valuation list of such parish are valued beyond the annual rateable value thereof, if the court on such appeal determine in favour of the appellants, such court shall ascertain the costs and charges incurred by such appellants in and about such appeal, and shall order the board of guardians of the union in which such parish is situate to pay the same to the appellants out of the money raised for the common fund for the several parishes in such union.

Act not to
prevent com-
position for
rates.

XXXV. Nothing herein contained shall be construed to prevent the owners of tenements from compounding for the rates to be assessed on the same, in such manner as they were by any statute or statutes enabled to do before the passing of this Act.¹

Saving of

XXXVI. Nothing herein contained shall extend or be taken

¹ See 59 Geo. 3, c. 12, s. 19; and 13 & 14 Vict. c. 99.

to render liable to be rated any property, or any person in respect of any occupation not now by law rateable of any property, or to deprive any property, or the occupier of any property, of the benefit of any exemption, in whole or in part, to which such property or occupier is now by law entitled, from any poor rate or other rate which by law is required to be based upon the poor rate, or to render liable to be rated, according to the annual rateable value thereof, any property which under any local Act or otherwise is entitled to be rated upon a fixed amount,¹ or according to any special or exceptional principle of valuation, whether such property shall or shall not be included in any valuation list in force under this Act, or shall in anywise affect the provisions of "The Cambridge Award Act, 1856," or the Act of the seventeenth and eighteenth Victoria relating to the relief of the poor in the city of Oxford.

XXXVII. The committee may allow such compensation for any returns, copies, or extracts, or any valuation, or valuation list, or other act, matter, or thing to be made or done in pursuance of their order, and such expenses connected therewith, as to the committee in each case seems just.

XXXVIII. The remuneration allowed by the committee to their clerk,² and all expenses incurred by them for the common use and benefit of the several parishes within the union for which they are appointed, shall be paid by the guardians of the said union, and be charged upon the common fund thereof.

XXXIX. The expenses of making any valuation and valuation list of any parish, or any of such expenses, whether such valuation and valuation list respectively be made by the overseers, or by any person appointed by the committee, shall be charged upon the poor rates of such parish if the valuation made by direction of the committee shall exceed by one-sixth the amount of the valuation delivered to them by the overseers, and upon the common fund of the said union if the valuation so made as last mentioned shall not exceed by one-sixth the valuation so delivered as aforesaid.

XL. Every person who wilfully refuses to attend in obedience to any lawful order of any such committee, or to give evidence, or refuses to produce any rate book, assessment, or valuation which may be lawfully required to be produced before such committee, shall for every such offence be liable to a penalty not exceeding twenty pounds upon a summary conviction for the same before two justices of the peace; and every person who wilfully injures, defaces, conceals, or destroys such rate book, or who upon any examination before any such committee wilfully gives false evidence, shall be deemed guilty of a misdemeanor.

XLI. Every order and notice made or given by the com-

exemptions
and special
rules of rating.

Board may
allow compensation
for
returns, &c.,
and expenses.

Remuneration
to clerk and
certain ex-
penses of com-
mittee to be
paid out of
common fund.

Expenses of
valuation, &c.,
to be paid out
of poor rates.

Penalty for
non-attend-
ance, &c., in
obedience to
order of the
committee.

Injuring, &c.,
rate books a
misdemeanor.

¹ See 23 & 24 Vict. c. 112. s. 33.

² See s. 10, *ante*.

Authentica-

tion and service of orders and notices of the committee.

mittee under this Act may be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if signed by their clerk, and may be served by the same or a copy thereof being delivered personally or sent by the post to the party on or to whom such order or notice purports to be made or given, or by being delivered at his usual place of abode.

Service of notices, &c., on the committee.

XLII. Any notice or statement required to be served upon the committee may be served by being left at the office of the clerk to the board of guardians, or sent through the post office, addressed to the committee at such clerk's office, or by being delivered personally to their clerk, or at his usual place of abode.

Provision as to form of poor rate.

XLIII. In every parish, until a valuation list has been approved, and delivered to the overseers under this Act, every rate made for the relief of the poor in such parish shall be made in the form and contain the particulars required by the said Act of the sixth and seventh years of King William the Fourth; and after such valuation list has been so approved and delivered, every such rate, except in any parish where the poor rate or the assessment for the same is made under the provisions of a local Act as aforesaid, shall show the annual rateable value of each hereditament comprised therein, according to the valuation list in force in such parish.

Provisions concerning the assessment, &c., of poor rates to be applicable to rates made according to this Act.

XLIV. All the powers, authorities, provisions, clauses, and regulations now in force relating to the assessment, collection, and levying of poor rates (save so far as the same are hereby repealed or altered) shall be good, valid, and effectual for the purposes of assessing, levying, collecting, and enforcing the payment of such rate and for carrying this Act into execution.

Power for unions under Gilbert's or Local Acts to be included in this Act.

XLV. And whereas there are divers unions or incorporations for the relief of the poor formed under local Acts and under the Act of the twenty-second year of King George the Third, chapter eighty-three, which may desire to adopt the provisions of this Act: Be it enacted, that any such union or incorporation, on resolution to that effect of a majority, at two successive meetings of the body, having under the constitution of such union or incorporation the management of the relief of the poor within the same, may, by writing under the hand of the presiding chairman of the second of such meetings, apply to the poor law board to be included in this Act; and such union or incorporation, upon the consent of the poor law board being given to such application under its seal, shall be so included; and such consent so signified shall be evidence that such application was in all respects duly made according to the provisions above mentioned; and such regulations shall thereafter be made from time to time by the said board, with the consent of such body, as may be necessary to render the provisions of this Act conformable with the provisions of the Act

under which the said union or incorporation shall have been, formed.

XLVI. This Act shall extend only to England.

Extent of Act.

SCHEDULE.

VALUATION LIST for [the Parish or Place for which the List is made] in the County of

Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.

Signed this

day of

A.B. } Overseers of the Poor of
C.D. } the Parish aforesaid.

DECLARATION TO BE ADDED TO THE RATE.

WE, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Union Assessment Committee Act of 1862, in force in this parish (or township), and the several hereditaments are, to the best of our belief, rated according to the value appearing in such valuation list.

} Churchwardens.

} Overseers.

25 & 26 VICT. CAP. 107.

AN ACT to give greater Facilities for summoning Persons to serve on Juries, and for other Purposes relating thereto.
[7th August, 1862.]

6 G. 4, c. 50.

WHEREAS it is expedient to amend an Act passed in the session of parliament holden in the sixth year of the reign of His late Majesty King George the Fourth, intituled "An Act for consolidating and amending the Laws relative to Jurors and Juries," and also to give greater facilities for summoning persons to serve on any jury: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Short title of Act, &c.

I. This Act may be cited as "The Juries Act, 1862," and shall be construed with and as part of the said recited Act, hereinafter termed the Principal Act.

Exemptions from serving on juries.

II. All registered pharmaceutical chemists and managing clerks to attornies, solicitors, and proctors actually practising, all subordinate officers in gaols and houses of correction, shall be and are hereby absolutely freed and exempted from being returned and from serving upon any juries or inquests whatsoever, and shall not be inserted in the lists to be prepared by virtue of the principal Act or of this Act.

Provisions as to high constables repealed.

III. All the provisions of the principal Act relating to the functions of high constables shall be and are hereby repealed, except as to any liabilities incurred before such repeal, and the duties of high constables as set forth in the principal Act shall cease and determine.

Clerk of the peace to issue precepts to parish officers by post.

IV. The clerk of the peace in every county, riding, and division in England and Wales shall on or before the twentieth day of July in every year issue his precept (in the form set forth in the schedule to this Act, or as near thereto as may be), to the churchwardens and overseers of the poor of the several parishes, and to the overseers of the poor of the several townships, within the county, riding, or division for which he acts, requiring them to make out before the first day of September then next ensuing a true list of all men residing within their respective parishes and townships qualified and liable to serve on juries according to the principal Act, and also to perform and comply with all other the requisitions in the said precepts contained, and shall forward the same, together with a competent number of printed forms of returns, for the use of the respective persons by whom such returns are to be made, by post, in a registered letter having the words "Jury Precept" legibly written or printed on the outside thereof, and addressed

to the churchwardens and overseers as aforesaid; and every precept delivered or tendered as a registered letter at the address of the person to whom it is addressed, whether a receipt be given for the same or not, shall be deemed to have been served on the person to whom the same was so delivered or tendered, and if delivered or tendered to any one churchwarden or overseer of a parish or township shall be deemed to have been served on the whole of the churchwardens and overseers of such parish or township.¹

V. The provisions of the principal Act as to the expense of printing the warrants, precepts, and returns therein mentioned shall apply to the printing of the precepts and returns required by this Act;² and the precepts and jury lists required to be posted and registered by this Act shall be posted and registered at the expense of the county, riding, or division.

VI. After the receipt of such precept from the clerk of the peace, the duties of the churchwardens and overseers with reference to the jury lists, and the penalties to which they are liable for making default therein, shall be in all respects the same as if the words "clerk of the peace" had been substituted for the words "high constable" in the eighth section of the principal Act.

VII. No notice shall be sent to the high constable of the holding of a special petty sessions for the production of the jury lists, as required by the tenth section of the principal Act.

VIII. It shall be lawful for the justices of the peace then present to adjourn any special petty sessions held under the provisions of the tenth section of the principal Act to any day within seven days thereafter, for the production of the jury list for any parish or township which, through the default of any churchwarden or overseer, has been omitted to be produced at such special petty sessions, and notice shall be sent by the clerk to such justices to such churchwardens or overseers requiring them to produce the said list at such adjournment.

XIV. This Act shall not extend to Scotland or Ireland; and nothing in this Act contained shall alter or affect the mode of procedure heretofore pursued in the making out of jury lists or the summoning of jurors in the city of London.

XV. This Act shall come into operation on the tenth day of August, one thousand eight hundred and sixty-two.

¹ See 6 Geo. 4. c. 50, s. 8.

² See *ibid.* s. 9; and 7 & 8 Vict. c. 101, s. 60.

Precepts, &c.,
to be printed at
the expense of
the county, &c.

Duties and
liabilities of
parish officers
to continue.

As to notices
of special petty
sessions.

Justices to
adjourn petty
sessions for the
production of
list.

Extent of Act.
Jury lists to
be made, &c.,
in the city of
London as
before.
Commence-
ment of Act.

SCHEDULE.

Precept for returning Lists of Jurors.

County of	}	To the Churchwardens and Overseers of the Poor of the Parish [<i>or</i> to the Overseers of the Poor of the Township] of
to wit.		
Hundred		
of		

You are hereby required to make out, before the first day of September next, a true list in writing in the form hereunto annexed, containing the names of all men, being natural-born subjects of the Queen, between the ages of twenty-one and sixty, residing within your parish [*or* township] qualified to serve upon juries; that is to say, of every such man who has in his own name, or in trust for him, a clear income of ten pounds by the year in lands or tenements, whether of freehold, copyhold, or customary tenure, or of ancient demesne, situate in the said county, or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple or fee tail, or for his own life, or for the life of any other person, and also of every such man who has a clear income of twenty pounds by the year in lands or tenements situate in the said county, held by lease for the absolute term of twenty-one years, or some longer term, or for any term of years determinable on any life or lives, and also of every such man who is a householder in your parish [*or* township], and is rated or assessed to the poor rate or to the inhabited house duty on a value of not less than twenty pounds [if in Middlesex thirty pounds], and you are required to make out the said list in alphabetical order, and to write the christian and surname of every man at full length, and the place of his abode, his title, quality, calling, or business, and the nature of his qualification, in the proper columns of the forms hereunto annexed, according to the specimens given in such columns for your guidance.

And if you have not a sufficient number of forms you must apply to me for more; and in order to assist you in making out the list you are to refer to the poor rate, and you may, if you think proper, apply to any collector or assessor of taxes, or any other officer who has the custody of any house tax, land tax, or other tax assessment for your parish [*or* township], and take from thence the names of men so qualified: And in making such list you are to omit the names of all peers, all judges, all clergymen, all Roman Catholic priests who shall have duly taken and subscribed the oaths and declaration required by law; all ministers of any congregation of Protestant dissenters whose place of meeting is duly registered, provided they follow

no secular occupation except that of a schoolmaster, and produce to you a certificate of some justice of the peace of their having taken the oaths and subscribed the declaration required by law; all serjeants and barristers at law, all members of the society of doctors of law, and all advocates of the civil law, if actually practising, and all attornies, solicitors, and proctors, if actually practising, and having taken out their annual certificates, and their managing clerks; all officers of the courts of law and equity, and of the admiralty and ecclesiastical courts, if actually exercising the duties of their respective offices; all coroners, all gaolers and keepers of houses of correction, and all subordinate officers of the same; all members and licentiates of the Royal College of Physicians in London, all members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, and apothecaries certificated by the court of examiners of the Apothecaries Company, and all registered pharmaceutical chemists, if actually practising as physicians, surgeons, or apothecaries, or pharmaceutical chemists respectively; all officers of the navy and army on full pay; the master, wardens, and brethren of the corporation of Trinity House of Deptford Strond, and their clerks, officers, and servants; all pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in the buoy and light service employed by either of those corporations, and all pilots licensed under any Act of Parliament or charter for the regulation of pilots; all the household servants of Her Majesty; all commissioners of property and income tax; all officers of the post office; all officers of customs and excise; all sheriff's officers, high constables, and parish clerks; all officers of the rural and metropolitan police; and also all persons exempt by virtue of any Act of Parliament, prescription, charter, grant, or writ.

And when you have made out such list you are authorized to order a sufficient number of copies thereof to be printed, the expense of which printing will be allowed you by the parish [or township], and you are required, on the three first Sundays in September next, to fix a copy of such list, signed by you, on the principal door of every church, chapel, or other public place of religious worship within your parish [or township], and also to subjoin to every such copy a notice to the following effect, inserting the time and place, of which you shall be previously informed: "Take notice, that all objections to the foregoing list will be heard by the justices in petty sessions on the day of September next, at the hour of _____ at _____," and you must allow any inhabitant of your parish [or township] to inspect the original list, or a true copy of it, during the three first weeks of September next, gratis; and you are also further required to produce the said list at such petty sessions, and there to answer on oath such questions as shall be put to you by Her Majesty's justices of the peace there present touch-

ing the said list; and these several matters you are in nowise to omit, upon the peril that may ensue.

Given under my hand at _____ in the said county,
the _____ day of _____ in the year _____

Clerk of the Peace.

The Form of Precept in Wales is to be altered according to the difference of qualification.

25 & 26 VICT. CAP. 110.

AN ACT to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the Extraordinary Demands for Relief therein. [7th August, 1862.]

WHEREAS by reason of the closing of mills and factories in certain parts of the country great numbers of the labouring and manufacturing classes have been thrown out of employment, and having become chargeable to the unions and parishes wherein they reside, the ratepayers within the same are likely to be subjected to very heavy and extraordinary burdens, and it is expedient that means should be afforded whereby temporary relief may be rendered to such ratepayers: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same,

Guardians may charge cost of relief in parishes in excess of 3s. in the pound on the other parishes in union.

I. If the guardians of any union situate wholly or in part¹ within any of the counties of Lancaster, Chester, or Derby, shall find that the expenditure of any parish comprised within such union in and about the relief of the poor for the quarter ending at Michaelmas or Christmas next² shall have exceeded the rate of three shillings in the pound per annum on the annual rateable value of the property of such parish, the excess shall be charged to the other parishes in the union in proportion to the amount of the annual rateable value of the property comprised in such parishes: Provided that if the expenditure of any parish for the quarter ending at any of the periods aforesaid, including its proportion of any excess charged upon it under this Act, shall exceed the said rate of three shillings in the pound per annum on its annual rateable value, all expenditure of such parish in and about the relief of the poor for that quarter in excess of such limit shall be charged in like manner upon the remaining parishes the expenditure of which, including their proportion

¹ See 26 Vict. c. 4, s. 5.

² See 26 Vict. c. 4, s. 1.

of any excess charged upon them under this Act, shall not have exceeded the limit aforesaid, and so on *toties quoties* until the sum charged upon each parish shall amount to the limit aforesaid, and then all expenditure over and above that limit shall be charged to the common fund of the union.

* II. The guardians may from time to time make any orders for contributions from the several parishes comprised in such union for the purposes of this Act, in addition to their ordinary orders, and shall have the same powers for enforcing such orders as in the case of the usual and ordinary contributions. Guardians may make extraordinary calls.

III. If the guardians of any such union shall find that the aggregate expenditure in and about the relief of the poor of the whole union for the quarter ending at Michaelmas or Christmas next shall have exceeded the rate of three shillings in the pound per annum on the annual rateable value of the property comprised within such union, such guardians may, by resolution passed at a meeting held after special notice in writing sent to every elected and ex-officio guardian of the union, apply to the poor law board for authority to borrow a sum of money sufficient to meet such excess;¹ and the poor law board may, if they think fit, issue their order accordingly; and thereupon the said guardians may borrow such sum, and shall charge² the common fund of the union with the repayment of the same, by equal annual instalments not exceeding seven, and with the payment of the interest from time to time to accrue thereon.³ If aggregate expenditure of whole union at Michaelmas or Christmas next shall exceed 3s. in the pound on the rateable value of the property of the union, Guardians may apply to poor law board for authority to borrow.

IV. If the guardians of any such union shall find that the aggregate expenditure in and about the relief of the poor of the whole union for the quarter ending at Michaelmas or Christmas next shall have exceeded the rate of five shillings⁴ in the pound per annum on the annual rateable value of the property comprised within such union, such guardians may apply to the poor law board, and thereupon the poor law board may, if they think proper, upon being satisfied that there has been such excess of expenditure as aforesaid, make a general order upon the several unions and parishes under a separate board of guardians or select vestry in the county wherein such union shall be situated to contribute a sum of money to meet the excess, in proportion to the annual rateable value of the property comprised within such unions and parishes respectively; and the several sums so apportioned shall be paid by the guardians and select vestries of the said unions and parishes respectively out of the respective common funds of the said unions, and from the funds of the guardians and vestries of the said parishes respectively, to the treasurer of the union on whose behalf the said order shall have been issued.⁵ Guardians of distressed unions where the expenditure shall have exceeded 5s. in the pound may apply to the poor law board, who may apportion such excess of expenditure over the unions in the county.

V. The poor law board shall exclude from the contribution Power to the

¹ See 26 & 27 Vict. c. 91, s. 3.

³ See 26 Vict. c. 4, ss. 2, 6.

² See 14 & 15 Vict. c. 105, s. 7, and Schedule.

⁴ See 26 & 27 Vict. c. 91, s. 1.

⁵ See 26 Vict. c. 4, s. 7.*

poor law board to exclude the poorer unions.

Provision for the cases of unions in two counties.

Where parish contributes, the guardians may elect a member to represent them at board of guardians of union aided.

No order of the board to be issued after the first of March.

How annual rateable value of property to be estimated.

Interpretation clause.

any union or such parish as aforesaid where the expenditure¹ for the corresponding quarter shall have exceeded the rate of three shillings in the pound per annum on the annual rateable value of the property comprised in the said union or parish.

VI. Where the union applying for aid shall extend into two or more counties, the contribution in aid shall come from that county in which the greater part of the union shall be situated; and where the union required to contribute shall be situated in two or more counties, it shall only contribute in that county in which the greater part of it shall be situated.²

VII. After the making and issuing of any general order for contribution as aforesaid the guardians of any union or parish or any select vestry upon whom the order is made, and who have obeyed such order, may elect one of their own body to represent them at the board of guardians of the union on whose behalf such general order has been made, and every person so elected shall be entitled to act as a guardian of such last-mentioned union during the then current quarter, but no such person shall be entitled to vote in the election of any officer for that union.

VIII. No order of the poor law board shall be issued under the authority of this Act after the first day of March next,³ nor be liable to be removed into the Court of Queen's Bench on certiorari or otherwise; nor shall any order of the guardians or rate made to carry out the provisions of this Act be questioned in any court of law on certiorari or otherwise.

IX. For the purposes of this Act the annual rateable value of the property within the several parishes and unions hereinbefore referred to shall be estimated in the manner in which the same is required to be taken in computing the amount of contributions to the common fund by the law in force for the time being.⁴

X. The several words herein contained shall be construed in like manner as in the Act of the fourth and fifth William the Fourth, chapter seventy-six,⁵ and in the subsequent Acts extending and explaining the same, and all the provisions contained therein now in force shall be applicable to this Act.

¹ See 26 Vict. c. 4, s. 3.

² See *ibid.* s. 4.

³ See *ibid.* s. 8; and 26 & 27 Vict. c. 91, s. 2.

⁴ See 24 & 25 Vict. c. 55, ss. 9, 10; and 25 & 26 Vict. c. 103, s. 30.

⁵ See 4 & 5 Will. 4, c. 76, s. 109; and 26 & 27 Vict. c. 91, s. 4.

25 & 26 VICT. CAP. 111.

AN ACT to amend the Law relating to Lunatics.

[7th August, 1862.]

WHEREAS it is expedient to amend the law relating to lunatics, other than those found lunatics by inquisition, or lunatics convicted of crime, or acquitted on the ground of insanity: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows; that is to say,

Preliminary.

I. In the construction and for the purposes of this Act (if Interpretation not inconsistent with the context or subject-matter) the following terms shall have the respective meanings hereinafter assigned to them; that is to say,

"Lunacy Act, chapter one hundred," shall mean an Act passed in the session holden in the eighth and ninth years of the reign of Her present Majesty, chapter one hundred, and intituled "An Act for the Regulation of the Care and Treatment of Lunatics:"

"Lunacy Act, chapter ninety-six," shall mean an Act passed in the session holden in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter ninety-six, intituled "An Act to amend an Act passed in the Ninth Year of Her Majesty, for the Regulation of the Care and Treatment of Lunatics:"

"Lunacy Act, chapter ninety-seven," shall mean an Act passed in the session holden in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter ninety-seven, intituled "An Act to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in England:"

"The Lunacy Acts" shall include the three Acts above mentioned and this Act:

"Asylum" shall have the same meaning as it has in the Lunacy Act, chapter ninety-seven.¹

"Registered hospital" shall mean any hospital registered for the reception of lunatics.

II. This Act shall be construed as one Act with the Lunacy Construction Acts, chapters one hundred, ninety-six, and ninety-seven, and of Act.

¹ See 16 & 17 Vict. c. 97, s. 132.

*words defined by the said Acts or any of them shall have the same meaning in this Act.¹

Short title.

III. This Act may be cited for all purposes as the "Lunacy Acts Amendment Act, 1862."

Establishment of County Asylums.

Plans, &c., of visitors, when not approved by the quarter sessions, to be submitted to secretary of state.

IV. Whereas by section thirty-one of the Lunacy Act, chapter ninety-seven, it is provided, "that the said visitors shall from time to time make their report to the general or quarter sessions of the county or borough, counties or boroughs, for which they (or such of them as have not been elected by subscribers, as therein mentioned,) have been elected of the several plans, estimates, and contracts which have been agreed upon, and of the sum or sums of money necessary to be raised and levied for defraying the purchase monies and expenses thereof on the county or borough, or, in the case of such union as therein mentioned, on each or every of the counties or boroughs; which plans, estimates, and contracts shall be subject to the approbation of the court or courts of general or quarter sessions of such county or counties and of the justices of such borough or boroughs, before the same are completed or carried into execution" (save in the case therein mentioned):

Where a plan, estimate, or contract agreed upon by any committee of visitors on behalf of a union of counties, or of a union of counties and boroughs, is disapproved of by one or more but not all of the courts of general or quarter sessions, or other bodies of justices whose approbation is required, in pursuance of the said enactment, each court of general or quarter sessions or body of justices disapproving of the same shall, within four months after such plan, estimate, or contract is reported to them, or where the same has been reported to them before the passing of this Act, then within one month after the holding of the first court of general or quarter sessions of the county or the first meeting of the justices of the borough after the passing of this Act, as the case may be, set forth their objections, with any observations they may think fit in relation thereto, in a report in writing, and forthwith transmit the same to one of Her Majesty's principal secretaries of state, and the secretary of state shall cause such inquiries to be made in relation to the matter as he may deem proper, and shall by writing under his hand direct the plan, estimate, or contract in question, with or without any alteration therein, or such other plan, estimate, or contract for the like purpose as he may think fit, to be proceeded with and carried into execution.

The decision of the secretary of state, given in pursuance of this section, shall be final, and shall be acted upon without further report or approval.

¹ See 8 & 9 Vict. c. 100, s. 114; 16 & 17 Vict. c. 96, s. 36; and 16 & 17 Vict. c. 97, s. 132, and s. 47 of this Act.

V. Together with every plan for building, or providing or enlarging or improving, any asylum for pauper lunatics, which is to be submitted to the commissioners in lunacy, under section forty-five of the said Lunacy Act, chapter ninety-seven, an estimate of the cost and expense of carrying such plan into execution shall be also submitted to the said commissioners.

VI. Where the committee of visitors enter into any agreement for the reception into the county asylum of pauper lunatics belonging to a county or borough which has not contributed to the erecting or providing such asylum, and think fit under the Lunacy Act, chapter ninety-seven, section fifty-four, to fix a greater weekly sum than is charged by them in respect of lunatics sent from or settled in some place, parish, or borough which has contributed to the building or providing such asylum, they may, if they think fit, pay over the excess created by the payment of such greater weekly sum to a building and repair fund, to be applied by them to the altering, repairing, or improving such asylum, and shall annually submit to the general or quarter sessions a detailed statement of the manner in which such fund has been expended.¹

VII. Where any contract has been made by a committee of visitors of any county or borough under the Lunacy Act, chapter ninety-seven, section forty-two, for the reception into any asylum, hospital, or licensed house of the whole or a portion of the pauper lunatics of such county or borough, it shall be lawful for the justices of such county or borough, so long as such contract is subsisting, to defray out of the county or borough rate so much of the weekly charge agreed upon for each pauper lunatic received therein as may, in the opinion of such committee of visitors, represent the sum due for the use of such asylum, hospital or licensed house, not exceeding, however, one-fourth of the whole of such weekly charge, in exoneration to that extent of the union to which the maintenance of any such pauper lunatic may be chargeable.²

VIII. It shall be lawful for the visitors of any asylum and the guardians of any parish or union within the district for which the asylum has been provided, if they shall see fit, to make arrangements, subject to the approval of the commissioners and the president of the poor law board, for the reception and care of a limited number of chronic lunatics³ in the workhouse of the parish or union, to be selected by the superintendent of the asylum, and certified by him to be fit and proper so to be removed.

IX. The committee of visitors of any asylum may provide accommodation for the burial of pauper lunatics dying in the asylum.

¹ See 24 & 25 Vict. c. 55, s. 6, and s. 7 of this Act.

² See 24 & 25 Vict. c. 55, s. 6, and s. 6 of this Act.

³ See 26 & 27 Vict. c. 110, s. 2.

asylum by acquiring a new burial ground, or by enlarging any existing burial-ground: they may purchase for the purposes aforesaid any land, and may grant any land when purchased, or any land already belonging to them, to any person or body of persons, to be held on trust for a new burial-ground or as part of an existing burial-ground, or they may themselves hold such land on trust as a new burial-ground or as part of an existing burial-ground; they may also contribute any sums of money to any person or body of persons on condition of such person or body of persons agreeing to provide accommodation for the burial of such paupers as aforesaid in any burial-ground; they may also take steps for the consecration of any new burial-ground or enlarged burial-ground, or any part thereof, and in the case of a new burial-ground they may provide for the appointment of a chaplain therein; they may enter into any agreements necessary for carrying into effect the powers conferred by this section, but the exercise of such powers shall be subject to the restrictions following:

Firstly, That not more than two statute acres shall in the case of any one asylum be purchased or granted as a new burial-ground, or for an enlargement of an existing burial-ground:

Secondly, That the sanction of the court of general or quarter sessions and of one of Her Majesty's principal secretaries of state shall be given to any plan that may be proposed by any visitors for carrying into effect this section.

All expenses incurred by any visitors in providing accommodation for the burial of pauper lunatics, in pursuance of this Act, shall be deemed to be monies, costs, and expenses payable for the purposes of the Lunacy Act, chapter ninety-seven, and may be defrayed accordingly.

8 & 9 Vict.
c. 18, incor-
porated.

X. All the provisions of the "The Lands Clauses Act, 1845," except the provisions of that Act "with respect to the purchase and taking of any lands otherwise than by agreement," "with respect to the recovery of forfeitures, penalties, and costs," "with respect to lands acquired by the promoters of the undertaking, under the provisions of the Lands Clauses Consolidation Act, 1845, or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof," "and with respect to the provision to be made for affording access to the special Act by all parties interested," shall be incorporated with this Act; and for the purposes of this Act the expression "the promoters of the undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean any such committee of visitors as aforesaid.

Taking on
lease addition-
al lands for
use of asylum.

XI. It shall be lawful for any committee of visitors, with the sanction of the court of general or quarter sessions, to hire or take on lease, from year to year or for any term of years, at

¹ See 16 & 17 Vict. c. 97, s. 120, and 18 & 19 Vict. c. 105, s. 13.

such rent, and upon such terms, and under such covenants as they think fit, any land or buildings, either for the employment or occupation of the patients in the asylum, or for the temporary accommodation of any pauper lunatics for whom the accommodation in the asylum may be inadequate.

The restrictions in section thirty-three of the Lunacy Act, chapter ninety-seven, as to the term for which the committee of visitors are thereby authorized to take a lease, or to rent land, shall not apply to land or buildings to be hired or taken under this provision.

The land and buildings so to be hired or taken shall, while used for the purposes of this section, be deemed part of the asylum, and all existing provisions as to the asylum or part of the asylum shall be applicable thereto accordingly.

XII. The power vested in the visitors of an asylum for granting an annuity by way of superannuation to any person that has been an officer or servant in such asylum for not less than twenty years, under section fifty-seven of the Lunacy Act, chapter ninety-seven, may be exercised by them when any such person has been an officer or servant for not less than fifteen years, in the same manner as if the time of such service had been twenty years; and in calculating the amount of superannuation regard may be had, if the visitors think fit, to the value of the lodgings, rations, or other allowances enjoyed by the person superannuated: Provided, that no annuity by way of superannuation granted by the visitors of any asylum under the provisions of this Act, or of the Lunacy Act, chapter ninety-seven, shall be chargeable on or payable out of the rates of any county until such annuity shall have been confirmed by a resolution of the justices of such county in general or quarter sessions assembled.

Superannuation of officers in asylum.

XIII. Where the offices of superintendent and matron of any asylum are held by man and wife, and an order has been made under the Lunacy Act, chapter ninety-seven, granting an annuity by way of superannuation to the superintendent, it shall be lawful for the committee of visitors of such asylum, if they think fit to do so, and if the matron has been an officer in the asylum for not less than twenty years, to grant to her such annuity by way of superannuation as they in their discretion think proportionate to her merits and time of service, although she may not have become incapable of executing her office from sickness, age, or infirmity; and every annuity granted in pursuance of this section shall be payable out of the rates lawfully applicable to the building or repairing of such asylum: Provided firstly, that the annual amount by way of superannuation paid to any matron under this section shall not exceed two-thirds of the salary payable at the time of her retirement; secondly, that no such superannuation shall be granted unless notice of the meeting at which the same is to be granted, and of the intention to determine thereat the question of such superannuation,

Provision for superannuation of matrons.

have been given in such manner and so long before the time appointed for such meeting as is provided in the said Act with respect to notices of meetings of committees of visitors, nor unless three visitors concur in and sign the order granting the same; thirdly, if any such matron as aforesaid at any time thereafter is appointed to any public office, or to any office under the Lunacy Act, in respect of which she receives a salary, the payment of the compensation awarded to her under this Act shall be suspended so long as she receives such salary, if the amount thereof is greater than the amount of compensation, or, if not, shall be diminished by the amount of such salary.

Licensed Houses.

Inspection by
commissioners
before licence
granted by
justices.

XIV. Before the grant by the justices of a licence for the reception of lunatics to a house which has not been previously licensed for that purpose, the notice given by the applicant, and the plan and statements accompanying the same, or copies of such notice, plan, and statements respectively, shall be transmitted by the applicant to the commissioners, and the commissioners shall inspect or cause to be inspected the house and land or appurtenances proposed to be included in the licence, and shall ascertain, with reference as well to the situation as to the structure, arrangements, and condition of the premises, whether the same are suitable for the reception of the patients proposed to be received therein, and the commissioners shall transmit to the clerk of the peace for the county or borough a report in reference to such application; and no licence shall be granted by the justices of the county or borough, in pursuance of such application, until the report of the commissioners with reference thereto has been received by the said clerk of the peace, and taken into consideration by the justices in general or quarter or special sessions assembled.

Where a licence is granted by the justices of a county or borough in respect of a house not previously licensed, such licence shall, as nearly as conveniently may be, be according to the form in the schedule marked A. to this Act, instead of in the form prescribed by the Lunacy Act, chapter one hundred.

Notice of alterations to be
given to the
commissioners.

XV. Before the consent of any visitors is given to any addition or alteration being made in or about any licensed house, or the appurtenances, the notice of the proposed addition or alteration, and plan thereof, and accompanying description given to the clerk of the peace, or copies thereof respectively, shall be transmitted by him to the commissioners, who shall, after making or causing to be made such inquiries or inspection (if any) as they may deem proper, transmit to the said clerk of the peace a report stating their approval or disapproval thereof; and the visitors shall not consent to such addition or alteration until they have received and considered such report.

Provision as to

XVI. Whereas by the second section of the Lunacy Act,

chapter ninety-six, it is enacted, "that no person having, after the passing of the Lunacy Act, chapter one hundred, received for the first time a licence for the reception of lunatics, or thereafter receiving for the first time such licence, shall receive a licence unless he resides on the premises licensed, and no two or more persons having, after the passing of the last-mentioned act, received for the first time a joint licence for the reception of lunatics, or thereafter receiving for the first time such joint licence, shall receive such licence unless they or one of them should reside on the premises licensed." And whereas it is expedient that in the licensed houses to which the said section does not apply, by reason of the proprietor or proprietors thereof having first received a licence prior to the date mentioned in the said section, the following provision shall be made: Be it enacted,

That in all cases of licensed houses, where the proprietor or proprietors thereof have first received their licence or licences before the date of the passing of the Lunacy Act, chapter one hundred, the physician, surgeon, or apothecary required by Act of Parliament to reside in or visit such house shall be approved, in the case of a house licensed by the commissioners, by the commissioners, and in the case of a house licensed by justices, by the justices; and any proprietor of a licensed house to which this section applies who permits any physician, surgeon, or apothecary who has not been approved by the commissioners, or by the justices, as the case may be, to reside in or visit at such house in such capacity as aforesaid for a period exceeding one calendar month, shall incur a penalty not exceeding five pounds for every day beyond such month during which such physician, surgeon, or apothecary so resides or visits; the above-mentioned period of one month shall be reckoned in the case of a physician, surgeon, or apothecary so resident or visiting at the time of the passing of this Act from the date of the passing thereof, and in the case of any fresh appointment of any such physician, surgeon, or apothecary as aforesaid from the date of such appointment.

XVII. If any person empowered by licence issued under the Lunacy Act, chapter one hundred, to employ his house and premises for the reception of lunatics receives into his house any patients beyond the number specified in his licence, or fails to comply with the regulations of his licence in respect of the sex of the patients to be received, or the class of patients, whether private or not, to be received, he shall, in respect of each patient received in contravention of his licence, incur a penalty not exceeding fifty pounds.

XVIII. It shall be lawful for the proprietor or superintendent of any licensed house, with the previous assent in writing of two or more of the commissioners, or in the case of a house licensed by justices of two or more of the visitors, to entertain and keep in such house as a boarder for such time as may be

non-resident proprietors.

Penalty on infringing terms of licence.

Extension of powers to take boarders in houses.

specified in the assent any person who may have been within five years immediately preceding the giving of such assent a patient in any asylum, hospital, or licensed house, or under care as a single patient.

Admission and Visitation of Patients.

Provision for sending pauper lunatics to asylums.

XIX. Whereas by the sixty-seventh section of the Lunacy Act, chapter ninety-seven, it is amongst other things enacted as follows: "That every relieving officer of any parish within a union or under a board of guardians, and every overseer of a parish of which there is no relieving officer, who shall have knowledge either by such notice or otherwise that any pauper resident in such parish is or is deemed to be a lunatic and a proper person to be sent to an asylum, shall within three days after obtaining such knowledge give notice thereof to some justice of the county or borough within which such parish is situate:" Now be it enacted, that the said section shall be construed as if the words "and a proper person to be sent to an asylum" had been admitted in the said recited enactment.

Lunatics proper to be sent to asylums.

XX. No person shall be detained in any workhouse, being a lunatic, or alleged lunatic, beyond the period of fourteen days,¹ unless in the opinion, given in writing, of the medical officer of the union or parish to which the workhouse belongs such person is a proper person to be kept in a workhouse, nor unless the accommodation in the workhouse is sufficient for his reception, and any person detained in a workhouse in contravention of this section shall be deemed to be a proper person to be sent to an asylum within the meaning of section sixty-seven of the Lunacy Act, chapter ninety-seven; and in the event of any person being detained in a workhouse in contravention of this section, the medical officer shall for all the purposes of the Lunacy Act, chapter ninety-seven, be deemed to have knowledge that a pauper resident within his district is a lunatic, and a proper person to be sent to an asylum, and it shall be his duty to act accordingly, and further to sign such certificate as is contained in Schedule F. to the said Act, No. 3, with a view to more certainly securing the reception into an asylum of such pauper lunatic as aforesaid.

Amendment of form of list as respects pauper lunatics in workhouses.

XXI. The list of lunatic paupers required by section sixty-six of the Lunacy Act, chapter ninety-seven, to be made out by the medical officer, shall be in the form in the schedule marked B. hereto, and not in the form required by the said section, and shall, as respects such of the lunatics therein mentioned as may be in any workhouse, state whether, in the opinion of the medical officer, the workhouse is or not sufficient for the accommodation of the lunatics detained therein, and whether or not the lunatics detained therein are proper persons to be kept in a workhouse.

¹ See 4 & 5 Will. 4, c. 76, s. 45; dated Order in Glen's "Poor Law and Art. 101 of the General Consoli- Board Orders," 5th edition.

XXII. When a person has been found lunatic by inquisition an order, signed by the committee appointed by the lord chancellor, and having annexed thereto an office copy of the order appointing such committee, shall be a sufficient authority for the reception of such person into any asylum, hospital, licensed house, or other house, without any further order or any such medical certificates as are required by section ninety of the Lunacy Act, chapter one hundred, and section four and eight of the Lunacy Act, chapter ninety-six, and the provisions of the section ninety of the Lunacy Act, chapter one hundred, as to the visitation of every single patient once in every two weeks by a physician, surgeon, or apothecary, shall not apply to any person found lunatic by inquisition as aforesaid.

Order for reception and medical visitation of persons found lunatic by inquisition.

XXIII. No order for the reception of a private patient into any asylum or registered hospital, licensed or other house, made in pursuance of the Lunacy Acts, chapters ninety-six and ninety-seven, or either of them, shall authorize the reception of such patient after the expiration of one calendar month from its date, nor unless the person subscribing such order has himself seen the patient within one month prior to its date, nor unless a statement of the time and place when such person last saw the patient is added to such order.

Persons signing orders for admission to have seen patient within one month.

XXIV. The following persons shall be prohibited from signing any certificate or order for the reception of any private patient into any licensed or other house :

Certain persons prohibited from signing orders for admission.

First, Any person receiving any percentage on or otherwise interested in the payments to be made by or on account of any patient received into a licensed or other house :

Second, Any medical attendant as defined by the Lunacy Act, chapter one hundred.¹

XXV. Where an order is made, in pursuance of the lunacy Acts or any of them, for the reception of any private or pauper lunatic into any asylum, registered hospital, or licensed house, there shall be inserted in every such order, wherever it be possible, the name and address of one or more of the relations of the lunatic; and in the event of his death it shall be the duty of the clerk of such asylum, the superintendent of such hospital, and the proprietor or superintendent of such licensed house, to send by post notice of his death in a prepaid letter addressed to such relation or one of such relations.

Relative of pauper to be named in order of admission.

XXVI. The order and certificate required by law for the detention of a patient as a pauper shall extend to authorize his detention, although it may afterwards appear that he is entitled to be classified as a private patient; and the order and certificates required by law for the detention of a patient as a private patient shall authorize his detention, although it may afterwards appear that he ought to be classified as a pauper patient.

Same order and certificates to justify detention as pauper of private patient.

XXVII. Where any medical certificate upon which a patient

Provision as

¹ See 8 & 9 Vict. c. 100, s. 114.

to defective
certificates.

has been received into any asylum, registered hospital, licensed or other house, or either of such certificates, is deemed by the commissioners incorrect or defective, and the same are or is not duly amended to their satisfaction within fourteen days after the reception by the superintendent or proprietor of such asylum, registered hospital, or licensed or other house of a direction or writing from the commissioners requiring amendment of the same, the commissioners or any two of them may, if they see fit, make an order for the patient's discharge.

Transmission
of documents
to commission-
ers on admis-
sion of patient.

XXVIII. The documents required by the Lunacy Act, chapter one hundred, sections fifty-two and ninety, and the Lunacy Act, chapter ninety-seven, section eighty-nine, to be sent to the commissioners in lunacy, after two clear days, and before the expiration of seven clear days from the day on which any private patient has been received into any licensed house, registered hospital, or asylum, shall, with the exception of the statement now required to be subjoined to the notice of admission into any asylum, hospital, or licensed house, be transmitted to the said commissioners within one clear day from the day on which any patient has been received into any such house, hospital, or asylum as aforesaid, and the said sections shall, so far as relates to the said documents, other than the said statement, be construed as if the words "one clear day" were substituted therein for the words "after two clear days, and before the expiration of seven clear days;" nevertheless the said excepted statement shall be transmitted as heretofore, save that it shall be separate from the said notice, and shall refer to the order of admission by the date thereof, instead of referring to it as the above notice, and the words referring to the said statement as being subjoined shall be omitted in the said notice.

Visits by com-
missioners.

XXIX. Every licensed house may be visited at any time, and, if situate within their immediate jurisdiction, shall be visited twice at least in every year by any one or more of the commissioners, in addition to the visits now required to be made by two at least of the commissioners; and if not within the immediate jurisdiction of the commissioners may be visited at any time, and shall be visited twice at least in every year by one or more of the visitors, in addition to the visits now required to be made by two at least of the visitors.

Every commissioner visiting alone shall have the same powers as two commissioners would have under section sixty-one of the Lunacy Act, chapter one hundred; and all the provisions of the said Act contained in sections sixty-three, sixty-four, sixty-five, sixty-six, and sixty-seven shall apply to a commissioner or visitor visiting alone, as the case may be, in the same manner as they would apply under the said Act to two or more commissioners or two or more visitors visiting together.

Single com-
missioner to
visit asylums
and gaols.

XXX. Any one or more of the commissioners may at any time visit every asylum and hospital for lunatics, and every gaol in which there may be, or alleged to be, any lunatic, in addition

to the visits now required or empowered to be made by two at least of the commissioners, and every commissioner so visiting alone shall have the same powers as two or more commissioners would perform and have, in the case of an asylum or gaol, in pursuance of the one hundred and tenth section of the Lunacy Act, chapter one hundred, and in the case of a hospital in pursuance of section sixty-one of the Lunacy Act, chapter one hundred.

XXXI. Where upon the visitation of any workhouse by any two or more of the commissioners in lunacy it appears to them that any lunatic or alleged lunatic therein is not a proper person to be kept in a workhouse, they may by an order under their hands direct such lunatic to be received into an asylum, and any order so made shall have the same effect, and be obeyed by the same persons, and subject them to the same penalties in case of disobedience, as an order made by a justice for the reception of a lunatic into an asylum under the sixty-seventh section of the Lunacy Act, chapter ninety-seven: Provided always, that it shall be lawful for the guardians of the union or parish to which any workhouse belongs to appeal against such order at any time within one calendar month from the making thereof to Her Majesty's principal secretary of state for the home department, who shall thereupon exercise the power given to him by section one hundred and thirteen of the Lunacy Act, chapter one hundred, save that he shall not appoint thereunder the commissioners who made the order appealed against, or either of them; and the order in the matter of the secretary of state, made upon the report of the special visitation, shall be binding on all parties concerned.

Power to remove lunatic from workhouse to asylum.

XXXII. Any two or more of the commissioners in lunacy may visit any pauper lunatic or alleged lunatic not in an asylum, hospital, licensed house, or workhouse, and may, if they think fit so to do, call to their assistance a physician, surgeon, or apothecary, and examine such pauper; and if such physician, surgeon, or apothecary sign a certificate with respect to such pauper, according to the form in Schedule F. No. 3, annexed to the Lunacy Act, chapter ninety-seven, and the commissioners are satisfied that such pauper is a lunatic, and a proper person to be taken charge of and detained under care and treatment, they may, by an order under their hands, direct such lunatic or alleged lunatic to be received into an asylum, and any order so made shall have the same effect, and be obeyed by the same persons, and subject them to the same penalties in case of disobedience, as an order made by a justice for the reception of a lunatic into an asylum under the sixty-seventh section of the Lunacy Act, chapter ninety-seven.

Removal of single pauper patients to asylums.

XXXIII. The order made by any two or more of the commissioners in lunacy in pursuance of this Act may authorize the admission of a lunatic not only into any asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, but also into any other asylum for the recep-

Effect of order for removal.

tion of pauper lunatics of such county or borough, and also into any asylum for any other county or borough, or any hospital registered or house licensed for the reception of lunatics, under the same circumstances and subject to the same conditions under which an order of the justice or justices may authorize such admission in pursuance of section seventy-two of the Lunacy Act, chapter ninety-seven.

Statement of
condition of
pauper
lunatics to be
transmitted to
guardians.

Amendment
of sect. 64, of
8 & 9 Vict.
c. 100.

Copies of en-
tries of com-
missioners and
visitors.

Visiting com-
mittee to enter
observations
in a book
respecting
dietary, ac-
commodation,
&c., of lunatics
in work-
houses.

XXXIV. The superintendent of every asylum shall, once at the least in each half year, transmit to the guardians of every union, and of every parish under a board of guardians, and the overseers of every parish not in a union nor under a board of guardians, a statement of the condition of every pauper lunatic chargeable to such union or parish.

XXXV. The inquiries authorized to be made under section sixty-four of the Lunacy Act, chapter one hundred, or under section ninety-two of the same Act, and the provisions amending the same, may include inquiries as to the monies paid to the superintendent or proprietor on account of any lunatic under the care of such superintendent or proprietor.

XXXVI. The proprietor of every licensed house within the jurisdiction of visitors appointed by justices shall, within three days after a visit by the visiting commissioners or commissioner, transmit a true and perfect copy of the entries made by them or him in the visitors' book, the patients' book, and the medical visitation book, respectively, distinguishing the entries in the several books, to the clerk of the visitors as well as to the commissioners, and the copies so transmitted to the clerk of the visitors of all such entries in the visitors' book relating to any such licensed house, and made since the grant or last renewal of the licence thereof, shall be laid before the justices on taking into consideration the renewal of the licence to the house to which such entries relate; and every such proprietor as aforesaid who shall omit to transmit as hereinbefore mentioned a true and perfect copy of every or any such entry as aforesaid shall for every such omission forfeit a sum not exceeding ten pounds.

XXXVII. The visiting committee of every union, and of every parish under a board of guardians, and the overseers of every parish not in a union nor under a board of guardians, shall once at the least in each quarter of a year enter in a book to be provided and kept by the master of the workhouse such observations as they may think fit to make respecting the dietary, accommodation, and treatment of the lunatics or alleged lunatics for the time being in the workhouse of their union or parish, and the book containing the observations made in pursuance of this section by the visiting guardians or overseers shall be laid by the master before the commissioner or commissioners on his or their next visit.

Miscellaneous Clauses.

XXXVIII. Section eighty-six of the Lunacy Act, chapter one hundred, and section seventeenth of the Act eighteenth and nineteenth Victoria, chapter one hundred and five, shall extend to authorize the proprietor or superintendent of any licensed house or hospital, with such consent, and to be given on such approval as thereby required, to permit any patient to be absent from such hospital or house upon trial for such period as may be thought fit: Patients may be permitted to be absent on trial from hospitals and private houses.

Two of the commissioners, as regards any hospital or any licensed house, and two of the committee of governors of any hospital, and two of the visitors of any licensed house, as regards any licensed house within the jurisdiction of visitors, may of their own authority permit any pauper patient therein to be absent from such hospital or house upon trial for such period as they may think fit, and may make or order to be made an allowance to such pauper not exceeding what would be the charge for him in such hospital or house, which allowance shall be charged for him and be payable as if he were actually in such hospital or house, but shall be paid over to him, or for his benefit, as the said commissioners or visitors may direct:

In case any person so allowed to be absent on trial for any period do not return at the expiration thereof, and a medical certificate as to his state of mind certifying that his detention as a lunatic is no longer necessary be not sent to the proprietor or superintendent of such licensed house or hospital, he may at any time within fourteen days after the expiration of the same period be retaken as in the case of an escape.

XXXIX. If any officer or servant in any hospital or licensed house through wilful neglect or connivance permits any patient to escape from such hospital or licensed house, or secretes or abets or connives at the escape of any patient from such hospital or licensed house, he shall for every such offence incur a penalty not exceeding twenty pounds. Penalty on officer conniving at the escape of lunatics.

XL. Every letter written by a private patient in any asylum, hospital, or licensed house, or by any single patient, and addressed to the commissioners in lunacy or committee, or in the case of houses within the jurisdiction of visitors to the visitors or any of them, shall, unless special regulations to the contrary have been given by such commissioners or visitors, be forwarded unopened. Correspondence of private patients.

Every letter written by a private patient in any asylum, hospital, or licensed house, or by any single patient, and addressed to any person other than the commissioners or committee or visitors or one of them, shall be forwarded to the person to whom it is addressed, unless the superintendent in the case of an asylum or hospital, the proprietor in the case of a licensed house, and the person having the charge of a single patient in the case of a single patient, prohibit the forwarding

of such letter, by endorsement to that effect under his hand on the letter, in which case he shall lay all letters so endorsed before the visiting commissioners, committee, or visitors, as the case may be, on their next visit.

Any superintendent, proprietor, or person in charge of a single patient failing to comply with the provisions of this section as to laying any letter before the commissioners or committee or visitors that is not forwarded to the address of the person to whom it is directed, or being privy to the detention by any other person of any letter detained in contravention of this section, shall incur a penalty not exceeding twenty pounds in respect of each offence; and any person detaining any letter in contravention of this section shall incur, in respect of each letter so detained, a penalty not exceeding twenty pounds.

Statement as
to condition of
single pa-
tients.

XLI. Every person having the care or charge of a single patient shall, in addition to the notice required to be given by the ninetieth section of the Lunacy Act, chapter one hundred, before the expiration of seven clear days from the day on which he has taken the patient under his care or charge, transmit to the commissioners a statement of the condition of the patient, according to the form in Schedule F annexed to the said last-mentioned Act, such statement to be signed by the physician, surgeon, or apothecary visiting the patient in pursuance of the ninetieth section of the Lunacy Act, chapter one hundred.

If any person having the care or charge of a single patient fails to transmit such statement as aforesaid within such time as is required by this section, he shall be guilty of a misdemeanor.

Commissioners
empowered to
prescribe
forms, &c., of
medical visita-
tion book.

XLII. In the case of single patients the commissioners may from time to time make regulations as to the form of and the particulars to be entered in the "Medical Visitation Book," required to be kept by the ninetieth section of the Lunacy Act, chapter one hundred, and if the person having the care or charge of a single patient fails to comply with the regulations so made, he shall in respect of each offence incur a penalty not exceeding five pounds.

Discharge of
a private
patient.

XLIII. If there be no person capable or qualified, under section seventy-two or section seventy-three of the said Lunacy Act, chapter one hundred, to direct the discharge or removal of any such patient as therein mentioned from any registered hospital or licensed house, the commissioners may order the discharge or removal of such patient as they may think fit.

Report to
coroner of
death of single
patient.

XLIV. The superintendent of every asylum, and every person having the care or charge of a single patient, shall, in the event of the death of any patient, transmit to the coroner of the county or borough the same statement as is required by law to be transmitted in the case of the death of any patient in any hospital or licensed house; and if such coroner, after receiving such statement, thinks that any reasonable suspicion attends the cause and circumstances of the death of such

patient, he shall summon a jury to inquire into the circumstances of such death.

Any superintendent or person in charge who makes default in complying with the requisitions of this section shall be guilty of a misdemeanor.

XLV. Section fourteen of the Act of the session holden in the eighteenth and nineteenth years of Her Majesty, chapter one hundred and five, shall be repealed, and in lieu thereof be it enacted, Where any pauper lunatic is not settled in the parish by which or at the instance of some officer or officiating clergyman of which he is sent to an asylum, registered hospital, or licensed house, and it cannot be ascertained where found such pauper lunatic is settled, and such lunatic is found in a borough which has a separate court of sessions of the peace, and is not liable, under the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter seventy-six, section one hundred and seventeen, to the payment of a proportion of the sums expended out of the county rate, or is found in any borough which, under the Act of the session holden in the twelfth and thirteenth years of Her Majesty, chapter eighty-two, is exempted from liability to contribute to the payment of the expenses incurred for maintaining pauper lunatics chargeable to the county in which such borough is situate, such lunatic shall be adjudged to be chargeable to the borough in which he is found;¹ and it shall not be lawful for any justices to adjudge such lunatic to be chargeable to any county, nor to make any order upon the treasurer of any county for the payment of any expenses whatsoever incurred or to be incurred in respect of such lunatic.

All the provisions in the Lunacy Act, chapter ninety-seven, as to the mode of determining that a pauper lunatic is chargeable to a county, and as to the orders to be made for payment of expenses and other monies in respect of such lunatic, and for the repayment thereof to the treasurer of a county, shall extend to the case of a borough to which a lunatic is made chargeable under this section as if the said provisions were re-enacted in this Act, and such borough were therein mentioned or referred to instead of a county.²

XLVI. Any two or more commissioners or visitors, in exercise of the powers given to them by the one hundredth section of the Lunacy Act, chapter one hundred, may, if they think fit, examine on oath any person appearing before them as a witness, notwithstanding a summons may not have been served on him in pursuance of the said section.

XLVII. The term physician, surgeon, or apothecary, wherever used in the Lunacy Acts, shall mean a person registered under "The Medical Act," passed in the session holden in the twenty-

¹ See 24 & 25 Vict. c. 55, s. 6.

² See 16 & 17 Vict. c. 97, ss. 98, 99; and 24 & 25 Vict. c. 55, s. 7.

first and twenty-second years of the reign of her present Majesty, chapter ninety.

Part of
sect. 132 of
16 & 17 Vict.
c. 97, repealed.

XLVIII. So much of section one hundred and thirty-two of the Lunacy Act, chapter ninety-seven, as enacts that in that Act, unless there be something in the subject or context repugnant to such construction, the word "county" shall mean a county of a city or county of a town, shall, except with respect to the city of London, be repealed,¹ and all the provisions of the said Act and of the Acts amending the same shall be read and construed accordingly.

SCHEDULE A.

Form of Licence.

Know, all men, that we, the undersigned justices of the peace, acting in and for _____ in general [or quarter or special] sessions assembled, do hereby certify that A.B. of _____ in the parish of _____ in the county of _____ hath delivered to the clerk of the peace a plan and description of a house and premises proposed to be licensed for the reception of lunatics, situate at _____ in the county of _____ and which has not been previously licensed for that purpose, and hath applied to us for a licence thereof: And whereas the particulars of the said application have been transmitted to the commissioners in lunacy, and their report in reference to the said application has been received, and has been taken into consideration by us; and we, having considered and approved the application, do hereby authorize and empower the said A.B. (he intending or not intending to reside therein) to use and employ the said house and premises for the reception of male [or female, or _____ male and _____ female] lunatics, of whom not more than _____ shall be private patients, for the space of _____ calendar months from this date.

Given under our hand and seals this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Witness, Y.Z., *Clerk of the Peace.*

¹ See 26 & 27 Vict. c. 110. .

SCHEDULE B.

County of
Union [*or* parish of]
District of

QUARTERLY LIST of LUNATIC PAUPERS within the district of
the union of [*or* the parish of], in
the county or borough of , not in any asylum,
registered hospital, or licensed house.

Name.	Sex.	Age.	Form of Mental Disorder.	Duration of present Attack of Insanity, and if idiotic, whether or not from Birth.	Resident in Work- house.	Non-resi- dent in Work- house, where and with whom resident.	Date of Visit.	In what Condition, and, if ever restrained, why, and by what Means, and how often.

I declare that I have personally examined the several persons whose names are specified in the above list on the days set opposite their names; and I certify firstly, with respect to those appearing by the above list to be in the workhouse, that the accommodation in the workhouse is sufficient for their reception, and that they are all [*or* all except *A.B.* and *C.D.*] proper patients to be kept in the workhouse; and, secondly, with respect to those appearing by the above list to be resident elsewhere than in the workhouse, that they are all [*or* all except *A.B.* and *C.D.*] properly taken care of, and may properly remain out of an asylum.

I declare that the persons in the above list are to the best of my knowledge the only pauper lunatics in the district of the union of [*or* in the parish of] who are not in an asylum, registered hospital, or duly licensed house.

(Signed) *A.B.*,
medical officer of the district
of the union [*or* parish] of
Dated the day of one thousand eight
hundred and .

25 & 26 VICT. CAP. 113.

- . AN ACT to amend the Law relating to the Removal of poor Persons from England to Scotland, and from Scotland to England and Ireland.¹ [7th August, 1862.]

WHEREAS it is expedient that better means should be provided for the safe conveyance to the place of their destination in England, Ireland, or Scotland of poor persons who may be removed in pursuance of the Acts passed in the eighth and ninth years of the reign of Her present Majesty, chapter eighty-three, and chapter one hundred and seventeen, and in the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-three: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

Warrant of removal to Scotland to be signed by two justices or a magistrate, and to England or Ireland by the sheriff or two justices.

1. No application for a warrant² ordering the removal from any place in England to Scotland, or in Scotland to England or Ireland, of any poor person who shall have become chargeable in such place shall be heard and determined in England, except by two or more justices in petty sessions assembled, or by a stipendiary magistrate or metropolitan police magistrate sitting in his court; and in Scotland, except by the sheriff or any two justices of the peace of the county in which the parish is situated to which such poor person may have become chargeable, which justices or magistrate, and sheriff or justices (as the case may be) shall see such poor person, or the person who is the head of the family proposed to be removed, and shall be satisfied that every person who is proposed to be removed by the warrant is in such a state of health as not to be liable to suffer bodily or mental injury by the removal.

Warrant to contain name and age of every person to be removed, and other particulars.

2. Such warrant of removal shall be granted in England only on the application of the relieving officer, or other officer of the guardians of the union or parish, and in Scotland only on the application of the inspector of the poor of the parish or combination, or other officer appointed by the parochial board of such parish or combination, where such poor person shall have become chargeable, and shall contain the name and reputed age of every person ordered to be removed by virtue of the same, and the name of the place in Scotland, or England, or Ireland (as the case may be), where the justices or magistrate, or sheriff or justices, shall find such person to have been

¹ As regards Irish paupers, see 24 & 25 Vict. c. 76, and 26 & 27 Vict. c. 89.

² See 8 & 9 Vict. c. 83, s. 77; 8 & 9 Vict. c. 117; and 10 & 11 Vict. c. 33, s. 1.

born, or to have last resided for the space of five years in the case of a poor person to be removed to Scotland, and three years in the case of a poor person to be removed to England or Ireland, and a statement of such examination having been made as to the state of health of every person ordered to be removed as aforesaid; and such warrant shall be addressed to the party applying for the same, and in the case of a removal to Scotland, to the parochial board or inspector of the poor of the parish or combination to which such poor person is to be removed, and in the case of a removal to England or Ireland (as the case may be), to the guardians of the union or parish to which such person is to be removed, and a copy shall be given by and at the cost of the person applying for such warrant to the person or the head of the family about to be removed by virtue of it: Provided that in the case of any native of England, Ireland, or Scotland where the justices or magistrate, or sheriff or justices (as the case may be), shall not be able to ascertain, upon the evidence before them, the place of birth or of such continued residence as aforesaid, they shall order the pauper to be removed to the port or union or parish in England or Ireland (as the case may be), or port or parish in Scotland, which shall, in the judgment of such justices or magistrate, or sheriff or justices (as the case may be), under the circumstances of the case be most expedient.¹

III. The person obtaining the warrant shall, at least twelve hours before the removal, send a copy of it by post to the inspector of the poor of the parish or combination in Scotland, and to the clerk of the board of guardians of the union or parish in England or Ireland (as the case may be), to which such poor person shall be ordered to be removed, and also a copy of the depositions taken in the case, if the same shall, at any time within three months from the date of the warrant, be required by any such board of guardians or parochial board.

IV. Such warrant shall order the removal of the poor person to be made to the place mentioned therein as aforesaid,² and shall order the persons charged with the execution thereof to cause such poor person with his family (if any), to be safely conveyed to such place in England, Ireland, or Scotland (as the case may be), to be delivered, in the case of a removal to Scotland, to the inspector of the poor of the parish or combination, and in the case of a removal to England or Ireland,³ at the workhouse of such place or of the union or parish containing the port or place nearest to the place mentioned in the warrant as the place of the pauper's ultimate destination.

V. The master of the workhouse of the union or parish in England⁴ or Ireland, and the inspector of the poor of the parish or combination in Scotland, to which (as the case may be) such warrant is addressed, shall be bound to receive deli-

¹ See 8 & 9 Vict. c. 117, s. 4.

² See *ibid.*; and *supra*, s. 2.

³ See 24 & 25 Vict. c. 76, s. 4.

⁴ See 9 & 10 Vict. c. 66, s. 7.

poor persons named in warrant, under penalty of 10*l*. very of the poor person named in such warrant, under a penalty of ten pounds for each case of refusal, which penalty may be recovered by the person applying for such warrant by an action in any county court in England, or court of quarter sessions in Ireland, or sheriff court in Scotland, or other competent court having jurisdiction in the place where such master or inspector is resident at the time when such action is brought.

Parochial boards and guardians may forward the pauper to the place of destination and recover the costs.

VI. If by reason of default of the guardians, inspector of the poor, or other person having charge of such warrant, or otherwise, the poor person named therein shall not be removed to the place of ultimate destination, the guardians of the union or parish in England or Ireland, or parochial board of the parish or combination in Scotland (as the case may be), to which he has been removed, may, if they think fit, cause the pauper to be removed forthwith to the place mentioned in the warrant, and shall be entitled to be reimbursed the costs incurred in such removal by the guardians or parochial board (as the case may be), or other person on whose application the warrant was obtained, such costs being the actual expense incurred in and about the conveyance and maintenance of each person so removed, which costs may, if not paid on demand, be recovered by an action in any county court in England or Ireland, or sheriff court in Scotland, or other competent court having jurisdiction in the place from whence the removal shall have taken place.¹

Women and children not to be removed as deck passengers during the winter.

VII. It shall be unlawful to remove any woman, or any child under the age of fourteen, as a deck-passenger in any vessel from England to Scotland, or from Scotland to England or Ireland, during the period from the first of October to the thirty-first of March following, and no regulation of any sheriff, magistrate, or justices authorizing such removal shall be henceforth legal.²

Part of sect. 77 of 8 & 9 Vict. c. 83, repealed. Construction of this Act.

VIII. Section seventy-seven of the Act eighth and ninth Victoria, chapter eighty-three, in so far as inconsistent with the provisions of this Act, is hereby repealed.³

IX. Except so far as this Act shall alter the provisions of the said Acts,⁴ this Act shall be construed as part of the same.

¹ See 24 & 25 Vict. c. 76, s. 5.

² See *ibid.* c. 77, s. 6.

³ The last proviso to 8 & 9 Vict.

c. 83, s. 77, appears to be still in force.

⁴ *i.e.* 8 & 9 Vict. c. 83; 8 & 9 Vict. c. 117; and 10 & 11 Vict. c. 33.

26 VICT. CAP. 4.

AN ACT to extend for a further period the provisions of the Union Relief Aid Act of the last Session.

[27th March, 1863.]

WHEREAS by an Act of the last session of parliament, provisions were made to enable the boards of guardians of certain unions situate wholly, or in part within the counties of Lancaster, Chester, or Derby, to obtain temporary aid to meet the extraordinary demands for relief therein, which provisions applied to the expenditure during the quarters of the year ending at Michaelmas and Christmas last only, and it is necessary that such provisions should be extended for a further period: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

I. That all the provisions of the said Act which apply to the expenditure during the quarters of the year ending as aforesaid, shall be extended and apply to, the expenditure for the quarters ending respectively at Lady-day¹ and Midsummer-day next.²

Certain provisions of 25 & 26 Vict. c. 110, extended.

II. Any sum borrowed under the authority of this Act may be repaid by equal annual instalments not exceeding fourteen.³

Repayment of sums borrowed.

III. The word "expenditure," in section five of the said Act, shall be construed to include the amount paid under any order of contribution issued by the poor law board pursuant to the said Act or this Act.

As to the word "expenditure."

IV. When the union applying for aid under this Act shall extend into two or more counties, each of such counties shall contribute to such aid; and the amount required shall be apportioned between such counties, according to the annual rateable value of so much of the union as shall be situate within such counties respectively; and where the union required to contribute shall be situate in two or more counties, it shall contribute upon the annual rateable value of so many of the parishes of the union as shall be wholly within the county or counties within which the union applying for aid is situate, and the contribution shall be borne exclusively by such parishes, and shall be apportioned by the guardians between such parishes according to their rateable values respectively, in exoneration of the com-

Provision as to cases of unions situate in more than one county.

¹ This was intended to refer to Lady-day, 1863; but the Act did not receive the royal assent till the 27th March, 1863.

² See 25 & 26 Vict. c. 110, s. 1; and 26 and 27 Vict. c. 91, s. 1.

³ See 25 & 26 Vict. c. 110, s. 3.

As to parishes
within the
union of
Mansfield.

Power to
parishes under
separate board
of guardians
to borrow.

Parishes not
in union to
contribute.

Time for
issuing orders
limited.

Construction
of Act.

mon fund of the union, anything in the said first-mentioned Act to the contrary notwithstanding.¹

V. The parishes comprised within the Mansfield union in the county of Nottingham shall be exempted from the operation of section one of the said Act of the last session.²

VI. The powers to borrow conferred by section three of the said Act of the last session, and by this Act, shall extend to the overseers of any parish under a separate board of guardians in either of the said counties.

VII. The several parishes in the said counties not in union, and not under a separate board of guardians, shall contribute in aid according to their annual rateable value.³

VIII. The power of the poor law board to issue their orders under this Act shall determine on the first day of September next.⁴

IX. This Act shall be construed, except as herein provided, in the same manner as the Act herein referred to,⁵ and all the provisions and enactments therein contained shall be applicable to orders to be issued under the authority of this Act.

26 & 27 VICT. CAP. 33.

AN ACT for granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to Inland Revenue. [29th June, 1863.]

* * * * *

Union assess-
ment com-
mittee not to
require the
production of
documents
relating to the
assessment of
the income tax
on concerns in
the nature of
trade.

XXII. Whereas the assessment committee provided for by "the County Rates Assessment Act," section fifty-two,⁶ and by "the Union Assessment Committee Act, 1862," respectively, are thereby empowered to require assessors, collectors, and other persons therein mentioned to make and transmit copies of, or extracts from, the books of assessment of any taxes or rates in their custody, and to produce such books as therein mentioned⁷: Be it enacted that nothing in the said Act contained shall extend to authorize or empower the said committee to require any assessor, collector, or other person employed in the assessment or collection of the income tax to make or transmit or to permit any other person to make copies of or extracts from any assessment, rate, or rate book, or any document relating to the assessment or collection of the income tax upon profits of trade

¹ See 25 & 26 Vict. c. 110, s. 6.

² See *ibid.* s. 1.

³ See *ibid.* s. 4.

⁴ See *ibid.* s. 8; and 26 & 27 Vict. c. 91, s. 2.

⁵ See *ibid.* s. 10; and 26 & 27 Vict. c. 91, s. 4.

⁶ It was doubtless intended to refer to 15 & 16 Vict. c. 81, s. 2, and not s. 52, which is the interpretation clause.

⁷ See 15 & 16 Vict. c. 81, s. 5; and 25 & 26 Vict. c. 103, s. 13.

for or in respect of any quarries, mines, ironworks, gasworks, or other concerns in the nature of trade or manufacture chargeable under Schedule (A.) of the income tax Acts, or to attend before the said committee to produce any such assessment, rate, or rate book, or other such documents as aforesaid, or to be examined by or before such committee touching or concerning the same.

* * * * *

26 & 27 VICT. CAP. 40.

AN ACT for the Regulation of Bakehouses.

[13th July, 1863.]

WHEREAS it is expedient to limit the hours of labour of young persons employed in bakehouses, and to make regulations with respect to cleanliness and ventilation in bakehouses: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Bakehouse Regulation Short title. Act, 1863."

II. For the purposes of this Act the words hereinafter mentioned shall be construed as follows; that is to say, Interpretation
of terms.

"Local authority" shall, as respects any place, mean the persons or bodies of persons defined to be the local authority in that place by the one hundred and thirty-fourth section of the Act passed in the session holden in the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty, or by the Nuisances Removal Acts hereinafter mentioned; that is to say, as to England, by the Act passed in the session holden in the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-one, as amended by the Act passed in the session holden in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter seventy-seven;¹ as to Scotland, by the Act passed in the session holden in the nineteenth and twentieth years of the reign of Her present Majesty, chapter one hundred and three; and as to Ireland, by the Acts passed, the one in the session holden in the eleventh and twelfth years of the reign of Her present Majesty, chapter one hundred and twenty-three, and the other in the session holden in the twelfth

¹ See 23 & 24 Vict. c. 77, s. 2, which constitutes the guardians of the poor, or overseers, the local authority in certain cases.

and thirteenth years of the reign of Her present Majesty, chapter one hundred and eleven.

"Bakelious" shall mean any place in which are baked bread, biscuits, or confectionery, from the baking or selling of which a profit is derived :

"Employed," as applied to any person, shall include any person working in a bakelious, whether he receives wages or not :

"Occupier" shall include any person in possession :

"The Court" shall include any justice or justices, sheriff or sheriff substitute, magistrate or magistrates, to whom jurisdiction is given by this Act.

Limitation of hours of labour of persons under 18 years of age. III. No person under the age of eighteen years shall be employed in any bakelious between the hours of nine of the clock at night and five of the clock in the morning.

If any person is employed in contravention of this section, the occupier of the bakelious in which he is employed shall incur the following penalties in respect of each person so employed ; that is to say,

For the first offence, a sum not exceeding two pounds :

For a second offence, a sum not exceeding five pounds :

For a third and every subsequent offence, a sum not exceeding one pound for each day of the continuance of the employment in contravention of this Act, so that no greater penalty be imposed than ten pounds.

Regulations as to cleanliness of bakelious.

IV. The inside walls and ceiling or top of every bakelious situate in any city, town, or place containing according to the last census a population of more than five thousand persons, and the passages and staircase leading thereto, shall either be painted with oil or be limewashed, or partly painted and partly limewashed : Where painted with oil there shall be three coats of paint, and the painting shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months : Where limewashed the lime washing shall be renewed once at least in every six months.

Every bakelious wherever situate shall be kept in a cleanly state, and shall be provided with proper means for effectual ventilation, and be free from effluvia arising from any drain, privy, or other nuisance.

If the occupier of any bakelious fails to keep the same in conformity with this section he shall be deemed to be guilty of an offence against this Act, and to be subject in respect of such offence to a penalty not exceeding five pounds.

The court having jurisdiction under this Act may, in addition to or instead of inflicting any penalty in respect of an offence under this section, make an order directing that within a certain time to be named in such order, certain means are to be adopted by the occupier for the purpose of bringing his bakelious into conformity with this section ; the court may upon application enlarge any time appointed for the adoption of the

means directed by the order, but any non-compliance with the order of the court shall, after the expiration of the time as originally limited or enlarged by subsequent order, be deemed to be a continuing offence, and to be punishable by a penalty not exceeding one pound for every day that such non-compliance continues.

V. No place on the same level with a bakehouse situate in any city, town, or place containing according to the last census a population of more than five thousand persons, and forming part of the same building, shall be used as a sleeping place, unless it is constructed as follows; that is to say, As to sleeping places near bakehouses.

Unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling:

Unless there be an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation:

And any person who lets, occupies, or continues to let, or knowingly suffers to be occupied, any place contrary to this Act, shall be liable for the first offence to a penalty not exceeding twenty shillings, and for every subsequent offence to a penalty not exceeding five pounds.

VI. It shall be the duty of the local authority to enforce within their district the provisions of this Act, and in order to facilitate the enforcement thereof any officer of health, inspector of nuisances, or other officer appointed by the local authority, hereinbefore referred to as the inspector, may enter into any bakehouse at all times during the hours of baking, and may inspect the same, and examine whether it is or not in conformity with the provisions of this Act; and any person refusing admission to the inspector, or obstructing him in his examination, shall for each offence incur a penalty not exceeding twenty pounds; and it shall be lawful for any inspector who is refused admission to any bakehouse, in pursuance of this section, to apply to any justice for a warrant authorizing him, accompanied by a police constable, to enter into any such bakehouse for the purpose of examining the same, and to enter the same accordingly. Power to local authority to enforce provisions of this Act.

VII. All expenses incurred by any local authority in pursuance of the provisions of this Act may be paid out of any rate leviable by them, and applicable to the payment of the expenses incurred by the local authority under the said Nuisances Removal Acts, and the said authority may levy such rate accordingly.¹ As to expenses of local authority acting under this Act.

Penalties.

VIII. All penalties under this Act may be recovered summarily before two or more justices; as to England, in manner penalties. Recovery of penalties.

¹ The guardians as a local authority under the Nuisances Removal Acts do not levy rates; and this provision will be inoperative as regards them.—W. C. G.

directed by an Act passed in the session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders," or any Act amending the same; as to Ireland, in manner directed by the Act passed in the session holden in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in Ireland, or any Act amending the same;" and as to Scotland, upon summary conviction, with power for the justices having cognizance of the case to sentence the offender to imprisonment for a period not exceeding three months until the penalty and the expenses of conviction are paid.

Jurisdiction
of certain
magistrates.

IX. Any act, power, or jurisdiction hereby authorized to be done or exercised by two justices may be done or exercised by the following magistrates within their respective jurisdictions; that is to say, as to England, by any metropolitan police magistrate or other stipendiary magistrate sitting alone at a police court or other appointed place, or by the lord mayor of the city of London, or any alderman of the said city, sitting alone or with others at the Mansion-house or Guildhall; as to Ireland, by any one or more divisional magistrates of police in the police district of Dublin, and elsewhere by one or more justice or justices of the peace in petty sessions; and as to Scotland by the sheriff or sheriff substitute, or by any police magistrate of a burgh.

26 & 27 VICT. CAP. 55.

AN ACT to continue the Poor Law Board for a limited Period. [21st July, 1863.]

WHEREAS by the Act of the eleventh year of the reign of Her Majesty, chapter one hundred and nine, provisions were made for the constitution and appointment of commissioners for administering the laws for the relief of the poor in England, and for the appointment of other officers, which provisions have been continued until the twenty-third day of July in this present year,¹ and it is expedient that such provisions should be further continued for a limited period: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

¹ See 23 & 24 Vict. c. 101.

I. That the commissioners appointed by Her Majesty the Queen, or to be appointed by Her Majesty, Her heirs and successors, under the authority of the said Act, together with every person by the said Act constituted in virtue of his office such commissioner, and every officer and person appointed or to be appointed by the commissioners under the provisions of the said Act, shall be empowered, unless he shall previously resign or be removed, to hold his office and exercise the powers thereof until the twenty-third day of July, one thousand eight hundred and sixty-four, and the end of the then next session of parliament; and until the expiration of the said last-mentioned period it shall be lawful for Her Majesty, Her heirs and successors, from time to time at pleasure to remove the commissioners for the time being appointed by Her Majesty, or to be appointed by Her Majesty, Her heirs and successors, and upon every vacancy in the office of such commissioner to appoint, as in the said Act is described, some other fit person to the said office.

26 & 27 VICT. CAP. 65.

AN ACT to consolidate and amend the Acts relating to the Volunteer Force in Great Britain. [21st July, 1863.]

WHEREAS it is expedient to consolidate and amend the Acts relating to the volunteer force in Great Britain :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

I. This Act may be cited as "The Volunteer Act, 1863." Short title.

XXVI. The commanding officer of a volunteer corps or administrative regiment, receiving any arms, ammunition, or other stores supplied at the public expense or by subscription, shall, subject to the approval of the lieutenant of the county to which the corps belongs, or in which the head quarters of the administrative regiment are situate (as the case may be), appoint a proper storehouse for the depositing and safe keeping of such arms, ammunition, or stores. Every such storehouse shall be free from all county, parochial, or other local rates and assessments.

Appointment of storehouses for arms.

XXXVI. Any corporation, ecclesiastical or lay, sole or aggregate, any officer, justices of the peace, trustees, or commissioners holding land for public, ecclesiastical, or parochial purposes, may grant and from time to time renew any licence for the use, during any term not exceeding twenty-one years,

Power to corporations, justices, trustees, &c., to grant li-

cence to use
land.

by any volunteer corps, for the purposes of this part of this Act, of any land not exceeding four acres, vested in such corporation, officers, justices, trustees, or commissioners, subject to the following provisions :

* * * * *

5 & 6 Will. 4,
c. 69.

(2.) That such a licence shall not be granted in respect of parochial property without the consent of the majority of the ratepayers and owners of property in the parish to which the same belongs, assembled at a meeting convened according to the mode pointed out by the Act of the session of the fifth and sixth years of King William the Fourth (chapter sixty-nine), "to facilitate the conveyance of workhouses and other property of parishes, and of incorporations or unions of parishes, in England and Wales," and of the poor law commissioners, testified by their seal being affixed to the deed of grant, and of the guardians of the poor of the union within which the parish is comprised, or of the guardians of the poor of the parish where the administration of the relief of the poor therein is subject to a board of guardians, testified by such guardians being the parties to make the grant :

* * * * *

(5.) That, in the event of any land to which any such licence relates ceasing to be used for the purposes of this part of this Act, that licence shall thereupon cease absolutely.

* * * * *

Proof of cesser
of land being
used for pur-
poses of this
part of Act.

XXXIX. Any land purchased or acquired, or in respect of which any licence is granted under this part of this Act, shall be deemed to have ceased to be used for the purposes of this part of this Act where there has not been any such use by the corps by which the land was purchased or acquired, or to or for which the licence was granted, for a period of one year, and a certificate of the fact of such non-user is given by one of her Majesty's principal secretaries of state ; and such certificate shall be conclusive evidence of such fact as against all persons and in all courts of justice.

26 & 27 VICT. CAP. 70.

AN ACT to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorize for that Purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of the Local Government Act, 1858, in certain Cases.¹ [21st July, 1863.]

WHEREAS by an Act of the last session of parliament (which was extended for a further period by an Act of the present session), reciting that by reason of the closing of mills and factories in certain parts of the country great numbers of the labouring and manufacturing classes had been thrown out of employment, provision was made to enable boards of guardians of certain unions to obtain temporary aid to meet the extraordinary demands for relief therein: 25 & 26 Vict. c. 110.
26 & 27 Vict. c. 4.

And whereas great numbers of the same classes still remain out of employment in the parts of the country aforesaid, and it is expedient to make provision for better enabling local authorities therein to give employment by the execution of works of public utility and sanitary improvement:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. For the purposes of loans under this Act, the commissioners of Her Majesty's treasury may, from time to time, by warrant under the hands of two or more of them, cause to be issued out of the consolidated fund of the United Kingdom, or the growing produce thereof, to the account of the commissioners for the reduction of the national debt, any sum or sums of money not exceeding in the whole one million two hundred thousand pounds, such money to be applied exclusively under this Act, and to be at the disposal of the public works loan commissioners in like manner in all respects as money placed at their disposal under the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty (chapter eighty), and the Acts therein recited,² subject, never- Charge on consolidated fund of 1,200,000*l.*, to be at disposal of public works loan commissioners.

¹ This statute forms the subject of a separate work by Mr. Glen, published by Knight and Co.

² 57 Geo. 3, c. 34, and c. 124; 1 Geo. 4, c. 60; 1 & 2 Geo. 4, c. 111; 3 Geo. 4, c. 86; 4 Geo. 4, c. 63; 5 Geo. 4, c. 36, and c. 77; 6 Geo. 4, c. 35; 7 Geo. 4, c. 30; 7 & 8 Geo. 4,

c. 12, and c. 47; 1 & 2 Will. 4, c. 24; 3 & 4 Will. 4, c. 32; 4 & 5 Will. 4, c. 72; 1 Vict. c. 51; 1 & 2 Vict. c. 88; 3 Vict. c. 10; 5 Vict. sess. 2, c. 9; 9 & 10 Vict. c. 80; 14 & 15 Vict. c. 23; 16 & 17 Vict. c. 40; 19 Vict. c. 17.

16 & 17 Vict.
c. 40.

Incorporation
of provisions of
Public Works
Loan Acts.

Power for public
works loan
commissioners
to lend, and
for local boards
and authorities
to borrow, for
the purposes
and on the
terms specified.

theless, to the provisions of this Act, which provisions shall have full effect, notwithstanding anything in the Public Works Loan Act, 1853, to the contrary contained.

II. All the several clauses, powers, authorities, provisoes, enactments, directions, regulations, restrictions, privileges, priorities, advantages, penalties, and forfeitures contained in and conferred and imposed by the said Acts, or any of them, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, and as if the same were herein repeated and set forth.

III. For the purposes of such works as are hereinafter mentioned, the public works loan commissioners may, out of the money for the time being at their disposal under this or any other Act, from time to time lend to any such local board or local or other authority, as hereinafter described, namely,

Any local board acting under the Local Government Act, 1858;

Any local authority invested with powers of town government and rating under any local Act, by whatever name such local authority may be called;

Any commissioners or body of persons or other authority having power to levy rates for general or special purposes; or

Any guardians of the poor authorized to borrow as hereinafter provided;

and any such local board or local or other authority may from time to time borrow from the public works loan commissioners accordingly such sum or sums of money as may be required, subject and according to the following provisions:—

- (1.) Any such loan may be made for the purposes of any permanent works which the local board obtaining the loan is authorized to execute under the powers of the Local Government Act, 1858, or this Act, or (as the case may be) which the local or other authority obtaining the loan is authorized to execute under the powers of any local Act or this Act or otherwise:
- (2.) Any such loan may be made to any such local or other authority, whether such local or other authority has or has not power to borrow under any local Act or otherwise, independently of this Act:
- (3.) Any such loan may be made to any such local board or local or other authority to the amount authorized by this Act, notwithstanding any limitation of the amount to be borrowed by such local board or local or other authority imposed by any local Act or otherwise, but so that nothing in this Act shall be deemed to give to any loan made under this Act equality as to order of

¹ See s. 14, *post*.

- charge, or of payment of interest or principal, with any loan made or to be made under any local Act, except only as to such portion (if any) of the money raised under this Act as might have been raised under the local Act, independently of this Act :
- (4.) The total amount to be lent under this Act to any local board or local or other authority shall not exceed such amount as would be equal to one year's rateable value of the property assessable within the district or place in respect of which any such loan under this Act may be made :
 - (5.) The interest payable in respect of every such loan under this Act shall be at the rate of three pounds ten shillings per centum per annum :
 - (6.) The repayment of every such loan shall be made by such number of equal annual instalments, not exceeding thirty, as the poor law board specify in their order sanctioning the same ; but that board may, if they think fit, authorize the postponement of the payment of any instalment becoming due within the first three years for a period not exceeding two years :
 - (7.) The repayment of any such loan with the interest thereon shall be secured by the local board or local or other authority to whom the loan is made by a mortgage of or charge upon all or any of the rates leviable by such local board or local or other authority, either alone or together with such other property or income as may be agreed on between such local board or local or other authority and the public works loan commissioners ; and in the case of guardians, upon the security of the rates for the relief of the poor, or to be raised by the overseers in manner hereinafter provided ;¹ and it shall not be incumbent on those commissioners to require any other security :
 - (8.) Every local board or local or other authority obtaining any such loan shall have power by virtue of this Act to give such security as aforesaid, and to charge such rates, property, or income as aforesaid accordingly ; and every such local board or local or other authority shall have power, by virtue of this Act, and is hereby required, to levy such rates or to make such orders for contributions respectively as may be requisite for the purposes of any such security, notwithstanding any limitation of the amount of rates to be levied by such local board or local or other authority imposed by any local or other Act or otherwise ; and in the case of any local board or local authority having rating powers under "The Local Government Act, 1858,"

or any general or local Act, such rates may be included in and levied with the general district rate under that Act, or any rate levied under any general or local Act :

- (9.) The provisions of sections fifty-seven and seventy-eight of the Local Government Act, 1858, and any provisions relative thereto in the same or any other Act contained, shall not apply to any loan under this Act :
- (10.) Every loan under this Act shall be made with the authority of an order of the poor law board, which order that board may make if satisfied that the circumstances of the district for which the loan is required in reference to the charge for the relief of the poor are such as to render the loan expedient, and that all the conditions of this Act have been complied with on the part of the local board or local or other authority desiring to obtain the loan ; and any such order of the poor law board shall be sufficient to authorize the public works loan commissioners to make any such loan, and shall not be liable to be questioned in any court of law or equity.

Application
of money
borrowed.

IV. Any local board or local or other authority obtaining a loan under this Act shall apply the whole of the money borrowed exclusively for the purposes of such permanent works as aforesaid, and shall not apply any part thereof in or towards paying off any debt or charge existing at the time of the making of such loan other than such as may be due in respect of such works.

Postponement
or withholding
of instalments
of loan when
works not pro-
ceeded with
satisfactorily.

V. The money borrowed shall be advanced by the public works loan commissioners in such instalments as the poor law board shall from time to time by any order direct ; and the payment by the public works loan commissioners of any such instalment may be postponed or withheld on a notice from the poor law board certifying that the works in respect of which the loan was authorized are not being proceeded with, in conformity with the plan proposed, to the satisfaction of the poor law board.

Appointment
of inspecting
engineer.

VI. One of Her Majesty's principal secretaries of state may, upon the application of the poor law board, appoint from time to time an engineer or engineers to report to that board upon any works proposed to be executed, or in the course of being executed, or completed, by means of a loan under this Act, and the engineer or engineers so appointed shall have full power and authority, at all reasonable times, to examine the plans, specification, and estimates of such works, to enter upon and survey such works or the site thereof, and to inspect the accounts of any local board or local or other authority in relation thereto.

Abridgement
of time requi-

VII. For facilitating the adoption of the Local Government Act, 1858, the following provisions shall, until the first day of

July, one thousand eight hundred and sixty-four, take effect and be in force:

- (1.) Section twelve of that Act, and any provision relative thereto, shall be read and construed as if the words "a week's" were substituted in that section for the words "a month's:"
- (2.) Section seventeen of that Act, and any provision relative thereto, shall be read and construed as if the words "fourteen days" were substituted in that section for the words "twenty-one days," and as if the words "seven days" were substituted in that section for the words "fourteen days:"
- (3.) Section twenty of that Act, and any provision relative thereto, shall be read and construed as if the words "twenty-one days" were substituted throughout that section for the words "two months:"
- (4.) Section three of the Local Government Act Amendment Act, 1863, shall not apply to appeals against resolutions of adoption in cases coming within the operation of this Act.

VIII. Where any local authority acquires under this Act any powers by virtue of section fifteen of the Local Government Act, 1858, which are repugnant to or inconsistent with those of the local Act, the local authority shall proceed under the powers and provisions of the Local Government Act, 1858; and wherever in any such case the last-mentioned Act and the local Act contain provisions for effecting the same or a similar object but in different modes, the local authority may proceed under the Local Government Act, 1858, or under the local Act.

In every such case of acquisition of powers under this Act, section twelve of the Local Government Act, 1858, and any provision relative thereto, shall be read and construed as if the words "a week's" were substituted in that section for the words "a month's."

IX. Section four of "the Local Government Act Amendment Act, 1863," shall apply to any place which may adopt "the Local Government Act, 1858," under this Act, notwithstanding the population of such place is more than three thousand.

X. With respect to any works to be executed in exercise of the powers contained in section sixty-nine of "the Public Health Act, 1848," and section thirty-eight of "the Local Government Act, 1858," by means of any loan under this Act:

- (1.) The notice required to be given prior to the execution of such works by the local board or local authority may be in the form prescribed by "the Local Government Amendment Act, 1861," or to the like effect, and may be served by delivering the same to or at the residence or place of business of the person or persons to whom it is addressed, or by delivering the same to some person upon the premises

site for adoption of Local Government Act.

Mode of proceeding on acquisition of powers under Local Government Act.

Power to abandon the Local Government Act.

Mode of proceeding in respect of the paving, &c., of private streets,

in respect of which the works are required, or, if there be no person upon the premises who can be so served, by fixing such notice upon some conspicuous part of the premises, or advertising the same in one or more of the newspapers circulated in the place :

- (2.) Specifications and estimates of the works, certified by the surveyor of the local board or local authority, shall be deposited for inspection, with the plan and sections, in the manner required by "the Local Government Act (1858) Amendment Act, 1861;"¹ and when the works affect the property of more than one person, the estimates shall show the proposed apportionment of the expenses of the works in respect of such properties respectively :
- (3.) Any person to whom such notice as aforesaid has been given may, before the expiration of the period limited thereby for the execution of the works mentioned therein, object to the execution of such works in the manner specified, and to the proposed apportionment of the expenses of executing the same, and may give notice in writing within the period aforesaid to the local board or local authority of the matters objected to :

In default of giving the notice lastly required, it shall not be competent for such person to question the validity of any rate or charge made by the local board or local authority for defraying or securing the expenses incurred by them in executing such works, except on the ground that the same have not been executed in conformity with the plan, section, specification, or estimates thereof :

- (4.) In case of notice of objection as aforesaid, the local board or local authority may thereupon require that the several matters objected to shall be referred to arbitration in the manner prescribed by "the Public Health Act, 1848,"² before they proceed to execute the works in question, and the result of such arbitration shall be final :
- (5.) The charge upon any property affected by the works executed under this section in respect of the expenses incurred by any local board or local authority in the execution of such works shall have priority over any mortgage or other incumbrance upon such property, and shall be recoverable in the manner provided by "the Public Health Act, 1848," and "the Local Government Act, 1858," for the like purpose.³

Objections, &c. XI. No objection shall be allowed at the hearing of any information or other proceeding under this Act on the ground of any alleged defect in substance or in form in any notice, summons, complaint, or order made or issued under this Act, or on account of any variance between such notice, summons,

¹ See 24 & 25 Vict. c. 61, s. 16.

² See Glen's Public Health and Local Government, c. 9.

³ See *ibid.* : title, Private Improvement Expenses.

complaint, or order, and the evidence adduced at the said hearing, unless it shall appear to the justices present and acting at the said hearing that the said alleged defect or variance has misled the person by or on whose behalf the said objection is taken; but if the said justices shall be of opinion that the said alleged defect or variance has misled such person, it shall be lawful for the said justices to amend the same, and to adjourn the hearing of such information or proceeding to such time and on such terms as they shall think fit.

XII. Any local board or local or other authority (except guardians) shall have power to execute, by means of any loan ^{powers for} under this Act, all or any of the following works, subject to the ^{local boards} restrictive and saving clauses and provisions contained in "the ^{or local au-} Local Government Act, 1858,"¹ so far as the same are applicable ^{thorities to} to the execution of any such works, in addition to the works ^{execute works} authorized by the Local Government Act, 1858, or any local ^{of improve-} authority ^{ment.} that is to say, any such local board or local or other authority shall have power—

To acquire, drain, lay out, plant, or otherwise improve any common or other lands used or intended to be used as places of public recreation, to construct, improve, or enlarge any reservoir for water supply, and to lay down or extend the requisite pipes for such reservoir;

To widen, deepen, cleanse, embank, straighten, or otherwise improve any river, stream, or brook;

and also to enter into any agreement respecting the execution of any such work, or the apportionment of the cost thereof, with any person or authority interested in any such lands, river, stream, or brook, or in any property adjoining thereto, or likely to be beneficially or otherwise affected by any such work.

XIII. Any local board or local or other authority may agree, ^{Power for} but in the case of guardians not without the approval of the ^{execution of} poor law board, with the owner of any lands in or adjoining to ^{private im-} or near their district, to make any road or to execute any work ^{provements by} of drainage or of private improvement through, in, or on such ^{agreement} lands, at the expense of the owner, and may allow the owner ^{with owners} time for repayment of the amount expended, and receive the ^{of property.} same by annual instalments, not being less than one-thirtieth part of the entire sum, with interest at not less than the rate of three pounds ten shillings per centum per annum upon the sum from time to time remaining unpaid.

Where such owner has a limited estate or interest only in such lands, he may, by an instrument in the form set forth in the schedule to this Act, with such variations as circumstances may require, charge the inheritance of such lands with the amount so expended, and with the amount of the costs incurred by the local board or local or other authority, and by such owner, in relation to the security to be given by him, together

¹ See 21 & 22 Vict. c. 98, ss. 68, 69, 73.

with interest for the aggregate of those amounts, at the rate aforesaid, and may, by the same instrument, declare the manner and times of the payment of such interest and of the instalments aforesaid; and all the provisions of the Local Government Act, 1858, with respect to the recovery and redemption of private improvement rates shall apply, as far as may be, to every such charge.

Provided, that no such instrument shall operate so as to charge the estate or interest of any person taking in succession after such limited estate or interest, until a certificate, signed by an engineer to be appointed as aforesaid, has been endorsed thereon, to the effect that in the opinion of such engineer the works in respect of which such charge is intended to be created have been duly executed, and will effect such a permanent increase in the yearly value of the lands to be charged as will render the amount expended an outlay beneficial to the inheritance; and every such certificate, so signed, shall be conclusive evidence that the engineer by whom the same is given has been duly appointed for the purpose aforesaid.

In this section the term "owner" means the person who is for the time being in receipt, whether on his own account or as trustee for any other person, of the rackrent of the lands affected by such works; or who, if such lands were let to a tenant at rackrent, would for the time being be entitled to the receipt thereof, whether on his own account or as trustee for any other person: Provided that any person holding any lands under a lease shall not be entitled to be deemed the owner thereof within the meaning of this section unless he holds the same for a term whereof thirty years at least are unexpired at the passing of this Act, or for lives whereof two at least are subsisting at the passing of this Act, and where such years or lives are not unexpired or subsisting the person entitled to the reversion immediately expectant on the determination of such lease shall be deemed the owner within the meaning of this section.

Power for guardians, where there is no local board or local authority, to borrow for useful works.

XIV. If the guardians of any union, parish, or township should, at a meeting held after special notice in writing sent to every elected and *ex-officio* guardian of the union, determine that it would contribute to the health or convenience of the inhabitants of any place for which such guardians are the local authority for executing the powers of the Nuisances Removal Acts¹ that any of the following works should be executed; viz.,

That any pond, pool, open ditch, sewer, or drain should be drained, cleansed, covered, or filled up;

That any highway or public road or footpath should be made, levelled, or improved;

That any river, stream, or brook should be widened, deepened, cleansed, embanked, straightened, or otherwise improved;

¹ See 23 & 24 Vict. c. 77, s. 2.

That a sewer or drain should be made or improved;

That a well should be dug;

That a reservoir for water supply should be constructed, improved, or enlarged, or the requisite pipes connected with any reservoir for water supply be laid down, improved, or extended;

That any common or other lands used or intended to be used as places of public recreation should be drained, laid out, planted, or otherwise improved; or

That any other work of public utility or sanitary improvement should be executed;

such guardians may procure a plan of such works, and an estimate of the cost thereof, and lay the same before the poor law board, who, upon being satisfied that such works may be properly undertaken and executed, may, by an order, authorize the guardians to borrow, and thereupon the public works loan commissioners may lend to the guardians, subject and according to the provisions hereinbefore contained, such money as the poor law board may consider necessary for the works so approved, the repayment of such money, with interest at the rate aforesaid, to be secured by the guardians by a mortgage of or charge upon the rates raised or to be raised in manner hereinafter mentioned; the guardians shall cause such works to be executed, subject to the restrictive and saving clauses and provisions contained in the Local Government Act, 1858,¹ so far as the same are applicable to the execution of any such works, paying the cost thereof out of the money so borrowed, with power nevertheless, if they think fit, from time to time to appoint a committee or committees of their own body, of which committee the elected guardian or guardians of any such place and the justices of the peace resident therein shall *ex-officio* be members, if not otherwise elected, to act in and for one or more of the places for which the guardians are the local authority, and every committee so appointed shall have the full power to direct and superintend the execution of such works within the specified place or places for which the committee is appointed.

XV. The instalments of principal in repayment of any loan under this Act to guardians shall, with the interest on so much of the loan as from time to time remains unpaid thereon, be contributed and raised in manner hereinafter mentioned; (that is to say,) Manner in which parishes are to contribute towards the repayment of loans to guardians.

(1.) Where the works for which the loan has been advanced shall be undertaken for a place maintaining its own poor, the instalments and the interest shall be contributed by the overseers upon the order of the guardians out of the poor's rate, in like manner as the other claims of the guardians upon them.²

(2.) Where the works shall be undertaken for two or more

¹ See 21 & 22 Vict. c. 98, ss. 68, 69, 73.

² See Gen. Con. Ord., Art. 82.

such places the instalments and the interest shall be apportioned by the guardians between such places in proportion to the costs of the works undertaken therein respectively, as set forth in the estimate for the same, approved of by the poor law board, and the instalments and interest when so apportioned shall be contributed by the overseers of such places respectively upon the order of the guardians as aforesaid:

(3.) Where the works shall be undertaken for a place, for part only of which the guardians are the local authority, the instalments and the interest shall be contributed by the overseers upon the order of the guardians, but the overseers shall raise the amount from time to time as required by a rate upon all the rateable property within that part of such place within which the guardians are the local authority, as if such part were a separate place maintaining its own poor; and such rate shall be made and enforced in like manner in every respect as a rate for the relief of the poor:

(4.) Where the works shall be undertaken for one or more places maintaining their own poor, and also for one or more such places, for part only of which the guardians are the local authority, the instalments and the interest shall be apportioned by them between such places and parts of places respectively, and shall be contributed and collected by the overseers in manner hereinbefore provided with respect to contributions from such places and parts of places respectively.

Incorporation of Lands Clauses Act, except as to compulsory powers.

XVI. The Lands Clauses Consolidation Act, 1845, and any Act amending the same, except with respect to the taking of lands otherwise than by agreement, shall be incorporated with this Act;¹ and for the purposes of those Acts this Act shall be deemed the special Act, and the local board or local or other authority exercising the powers of this Act shall be deemed the promoters of the undertaking.

Incorporation of clauses of 10 & 11 Vict. c. 16, with respect to mortgages.

XVII. The Clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners,² except so far as the same may be inconsistent with the provisions of the said Act of the session of the twenty-fourth and twenty-fifth years of her Majesty (chapter eighty), or of any of the Acts therein recited, shall be incorporated with this Act; and in the construction of this Act and of the said incorporated clauses this Act shall be deemed the special Act, and the local board or local or other authority to which a loan is made shall be deemed to be the commissioners.

Validity of mortgages

XVIII. Every mortgage for securing money lent under this Act purporting to be executed by any such local board or local

¹ This Act will be found in Glen's "Law of Public Health, and Local Government."

² See Glen's "Public Works Act," in the Appendix of which these clauses will be found.

or other authority as hereinbefore described, except guardians, notwithstanding in manner provided by the clauses of the Commissioners Clauses Act, 1847, herein incorporated, and every like mortgage purporting to be executed by the guardians of any union, parish, or township as aforesaid, shall constitute a complete and valid security on the rates, property, and income thereby expressed to be mortgaged, and shall give to and impose on the local board or local or other authority intrusted with the levying of the rates thereby expressed to be mortgaged, or authorized to make calls for contributions as hereinbefore mentioned, the power and obligation from time to time to levy such rates, or to make and enforce such calls, as the case may be, to an amount sufficient to maintain any such works, and to discharge, in manner provided by such mortgage, the principal and interest expressed to be thereby secured, notwithstanding any defect or irregularity in the election, appointment, constitution, or proceedings of such local board or local or other authority, and notwithstanding any vacancy in the number of persons, or any disqualification of any person or persons being a member of or constituting such local board or local or other authority, and notwithstanding that any person or persons may have assumed to act as member or members of such local board or local or other authority, or as such authority, though not legally elected, appointed, constituted, or qualified as such member, members, or authority.

XIX. Where the public works loan commissioners make a loan in pursuance of any such order of the poor law board as hereinbefore mentioned, and take a mortgage for securing repayment of the same, purporting to be made under the authority of this Act, they shall not be bound to require proof that any condition imposed by this Act has been duly complied with; and in every such case the local board or local or other authority shall have full power and is hereby required to levy the rates mortgaged, or to make and enforce such calls for contributions as aforesaid, as the case may be, for repayment of the money borrowed, with interest, notwithstanding that any such condition may not have been complied with; and it shall not be competent to any ratepayer or other person to question the validity of any such mortgage or rate on the ground that any such condition had not been complied with.

XX. The poor law board shall not make an order for a loan under this Act in any case after the first day of July, one thousand eight hundred and sixty-four, unless they think fit to make an order after that day with a view to the completion of works then already begun.

XXI. This Act shall extend and apply only to boroughs, parishes, towns, districts, and places within or comprising the unions situate wholly or in part in the counties of Chester, Lancaster, and Derby.¹

¹ See 25 & 26 Vict. c. 110.

Interpretation. XXII. The word "overseers" shall include churchwardens in the case of any parish to which this Act applies.
 Short Title. XXIII. This Act may be cited as the Public Works (Manufacturing Districts) Act, 1863.

SCHEDULE.

THIS DEED, made the _____ day of _____, witnesseth, that *A.B.* of _____, being the owner within the meaning of "The Public Works (Manufacturing Districts) Act, 1863," of the lands mentioned in the schedule hereto, by virtue and in exercise of the power in this behalf vested in him by the said Act, and of every other power enabling him in this behalf, doth hereby charge the inheritance of such lands with the sum of _____ pounds, being the amount expended by [*describe the local board or local or other authority*] in the execution of the following works for the improvement of the said lands [*describe the works*], and with the sum of _____ pounds, being the amount of the costs incurred by the said local board [*or local or other authority*] and the said *A.B.* as such owner as aforesaid in relation to this present security, making together the sum of _____ pounds, together with interest for the same aggregate sum of _____ pounds at the rate of _____ per centum per annum from the _____ day of _____ until full payment thereof; and doth hereby declare that the said principal money and interest shall be paid by the owner for the time being of the said lands to the said local board [*or local or other authority*] in manner following; namely, the interest on such principal sum of _____ pounds, or on so much thereof as from time to time remains unpaid, shall be paid by equal half-yearly payments on the _____ day of _____ and the _____ day of _____ in every year, the first payment of such interest to be made on the _____ day of _____ one thousand eight hundred and sixty-_____; and such principal sum of _____ pounds shall be paid by equal annual instalments on the _____ day of _____ in every year, the first of such instalments to be paid on the _____ day of _____ one thousand eight hundred and sixty-_____.

In witness whereof the said *A.B.* hath hereunto set his hand and seal the _____ day of _____ one thousand eight hundred and sixty-_____.

Witnesses.

C.D.

E.F.

A.B. (l. s.)

SCHEDULE of LANDS charged.

Description of Lands.	Name of Occupier.	Where situate.	Total Acreage.

26 & 27 VICT. CAP. 89.

AN ACT for the further Amendment of the Law relating to
the Removal of Poor Persons, Natives of Ireland, from
England. [28th July, 1863.]

WHEREAS it is expedient that the law for the removal of poor persons, natives of Ireland, from England, should be amended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. That so much of the fourth clause of the Act of the twenty-fourth and twenty-fifth years of the reign of Her Majesty, chapter seventy-six, as authorizes the conveyance of any poor person to any other place than that mentioned in the warrant of removal, shall, at the expiration of one month from the date hereof, be repealed.

So much of section 4 of 24 & 25 Vict. c. 76, as authorizes conveyances other than in

II. Section three of the Act of the eighth and ninth years of Her Majesty, chapter one hundred and seventeen, shall be deemed to have applied, and to apply to Ireland as well as to England.

warrant repealed.

III. Section four of the same Act is hereby repealed.

Sect. 3 of 8 & 9 Vict. c. 117, extended to Ireland.

IV. Any person being employed in the execution of a warrant duly issued under the authority of the said Acts or either of them,¹ who shall wilfully desert any person mentioned therein before he or she shall have been conveyed to the place of destination, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding ten pounds, and,

Sect. 4 of the same Act repealed.

Penalty imposed upon wilful desertion of pauper on the journey.

¹ See 8 & 9 Vict. c. 117, s. 3; and 26 & 27 Vict. c. 76, s. 4.

in default of payment, to imprisonment for a term not exceeding three months.

Penalty for
violating
section 6 of
24 & 25 Vict.
c. 76.

V. Any person guilty of violating the provision contained in the sixth section of the Act of twenty-fourth and twenty-fifth Victoria, chapter seventy-six, shall be liable to a penalty not exceeding five pounds, to be recovered on a summary conviction before two justices or a police or stipendiary magistrate, and the offence shall be deemed to have been committed at the port where the poor person shall be landed.

New forms
of warrant
supplied.

VI. Instead of the forms set forth in the Schedule (C.) annexed to the said Act of the eighth and ninth Victoria, chapter one hundred and seventeen, the forms contained in the schedule hereunto annexed, or to the like effect, shall be sufficient in regard to poor persons removed to Ireland, with such changes in the names and descriptions of persons and places as the circumstances of the case may render necessary; and except where this Act makes any alteration it shall be deemed to be incorporated with Acts herein referred to.

Institution of
preliminary
inquiry and
appeal.

VII. If the board of guardians of any union in Ireland think themselves aggrieved by the removal of any poor person, and if they forward to the poor law commissioners for Ireland a statement of the grounds for concluding that such poor person is legally settled in any parish or township in England, or was not in law liable to be removed to Ireland, and if such board of guardians, or any person on their behalf, shall agree to pay all costs which may be incurred in any necessary preliminary inquiry, and in the appeal against the warrant for the removal of such poor person, such commissioners, if satisfied that it will be expedient to do so, may appoint some person to make a preliminary inquiry into the circumstances attending such removal, and after such inquiry may, if they think fit, appeal on behalf of the guardians so aggrieved to the court of quarter sessions held for the county or borough within which the parish or township from which such removal was made is situate, at any time within six months after such removal was completed; and such commissioners shall, at least twenty-one days before the holding of such sessions, send by post to the guardians or overseers on whose application such warrant was obtained, notice in writing purporting to be signed by their secretary or chief clerk of their intention to appeal against such warrant, containing a statement in writing of the grounds of such appeal, and such court of quarter sessions shall hear and determine such appeal; and if the warrant of removal be reversed or declared illegal by such court, the guardians or overseers on whose application the same was obtained shall pay the costs and expenses incurred by or on account of such board of guardians, both for the preliminary inquiry and the appeal, and for the maintenance of such poor person, and for conveying such person back to the parish or township in England from which the removal was made; and if such guardians or overseers neglect or refuse to

pay such costs and expenses within seven days after demand thereof, the guardians on whose behalf such appeal was made, or any person authorized by them, may recover the same as a debt in a court of law in England: Provided always, that the said guardians or overseers may, at any time after such notice of appeal, send by post notice in writing under the hands of any two or more of them to the said commissioners that they abandon such warrant, and thereupon such warrant shall be of no effect; and such guardians or overseers shall pay to the guardians on whose behalf such notice of appeal was given, or to some person authorized by them, the expenses incurred by them or on their account by reason of such warrant, and of the preliminary inquiry, and of any proceedings consequent thereon, and the actual expenses and charges of maintaining such poor person, and of conveying such poor person back to such parish or township, and if they do not pay the same within seven days after demand the same may be recovered as a debt in a court of law in England: Provided also, that if on the hearing of the appeal judgment shall be given against the appellants, the respondents shall be entitled to recover the costs which they have incurred in and about the appeal from such appellants.

SCHEDULES.

I.

FORM of WARRANT where the removal is to be made to the place of birth or residence.

To the guardians of the poor of the ¹	union
[or parish], in the count of	
To the guardians of the poor of the ²	union,
in the count of	in
Ireland.	
County ³	{ At a petty session of Her Majesty's justices of
of	{ the peace for the county ³ of
	{ holden in and for the division of in
	{ the said county ³ at on
	{ the day of in the
	{ year of our Lord one thousand eight hundred
	{ and sixty- before us, the undersigned,
(to wit.)	{ Her Majesty's justices of the peace for the
	{ said county. ³

WHEREAS complaint is now made by the guardians of the poor of the union [or parish] in the count of that⁴ hath become and is now chargeable to the parish⁵ [*of in the said union;]*

And whereas the said⁴ having been brought before us, and application having been

made to us, in petty sessions assembled, by⁶
the⁷ [relieving] officer of the said guardians, on
their behalf, we have made due examination, on oath, and find
that the said⁴ is of the reputed age of
years, and was born in Ireland, [and last resided
for the space of three years*] in the parish of
in the county of now contained in
the said union of² and hath not a settle-
ment in England, and is not otherwise exempt from removal
from the said¹ union [or parish]* [And
that he hath a wife, named of the reputed
age of years, and⁸ child named
of the reputed age of
which child not exempt from removal
from the said union [or parish]].

And we have seen the said⁴
†[and his said wife and child], and are satisfied that the
said⁴ †[and his wife and
child],⁹ in such a state of health as not to be liable to
suffer bodily or mental injury by the removal:

THESE are, therefore, to require you, the guardians of the
poor of the union [or parish], to cause the said⁴
[with his family], to be safely con-
veyed to the said union of⁵ and to be
delivered at the workhouse of such union.

Given under our hands and	(L. S.)
seals, at the sessions	(L. S.)
aforesaid	(L. S.)

MEMORANDUM.

*Where the Warrant is issued by a Police Magistrate this Form
must be modified accordingly.*

¹ Insert name of the union or
parish in England.

² Insert name of the union in
Ireland.

³ Riding or division, or city, or
borough.

⁴ Name of pauper.

* Erase this passage when it is inapplicable.

† Where the head of the family is a woman, or a man without family,
this passage must be modified accordingly.

NOTE.—A copy of this warrant is to be given to the person, if only one, or
to the head of the family, if there be several persons about to be re-
moved by virtue of it; and a copy is to be sent by post forthwith to the
clerk of the board of guardians of the union in Ireland to which the
poor person is ordered to be removed.

⁵ Or township.

⁶ Insert name of applicant.

⁷ If the applicant be not a re-
lieving officer, erase relieving.

⁸ If more than one insert the
number.

⁹ Insert is or are.

II.

FORM of WARRANT when the removal is to be made to some place other than that of the birth or residence.

To the guardians of the poor of the¹
union [*or* parish], in the count of
To the guardians of the poor of the²
union, in the count of
in Ireland.

County ³ of to wit.	{	At a petty session of Her Majesty's justices of
		the peace for the county ³ of
		holden in and for the divi-
		sion of in the said county ³
		at on the
		day of in the
		year of our Lord one thousand eight hundred
		and sixty- before us, the undersigned,
		Her Majesty's justices of the peace for the
		said county. ³

WHEREAS complaint is now made by the guardians of the poor of the union [*or* parish] in the count of that⁴ hath become and is now chargeable to the parish⁵ [^{*}of in the said union;]

And whereas the said⁴ having been brought before us, and application having been made to us, in petty sessions assembled by⁶ the [relieving⁷] officer of the said guardians, on their behalf, we have made due examination, on oath, and find that the said⁴ is of the reputed age of

years, and was born in Ireland, ^{*}but we are not able, upon the evidence before us, to ascertain the place in that country of his birth, or that he hath resided for the space of three years in any place therein,^{*}

and we find that he hath not a settlement in England, and is not otherwise exempt from removal from the said⁵ union [*or* parish]. †[And that he hath a wife named of the reputed age of years, and⁸ child named of the reputed age of which child⁹ not exempt from removal from the said union [*or* parish]].

And we have seen the said⁴ †[and his said wife and child], and are satisfied that the said⁴ †[and his wife and child]⁹ in such a state of health as not to be liable to suffer bodily or mental injury by the removal.

THESE are, therefore, to require you, the guardians of the poor of the^s union [or parish], to cause the said [with his family] to be safely conveyed to the port of . in the said union of^s and to be delivered at the workhouse of the said union,¹⁰ which port is in our judgment, under the circumstances of the case, most convenient.

Given under our hands and } (L.S.)
 seals, at the sessions } (L.S.)
 aforesaid. } (L.S.)

MEMORANDUM.

Where the Warrant is issued by a Police Magistrate this Form must be modified accordingly.

NOTE.—A copy of this warrant is to be given to the person, if only one, or to the head of the family, if there be several persons about to be removed by virtue of it; and a copy is to be sent by post forthwith to the clerk of the board of guardians of the union in Ireland to which the poor person is ordered to be removed.

¹ Insert name of the union in England.

² Insert the name of the union in Ireland.

³ Riding, or division, or city, or borough.

⁴ Name of pauper.

⁵ Or township.

⁶ Insert name of applicant.

⁷ If the applicant be not a relieving officer, *erase* relieving.

* Or erase the passage between asterisks, and add, "and has not been absent therefrom more than twelve months."

† Where the head of the family is a woman, or a man without a family, this passage must be modified accordingly.

⁸ If more than one insert the number.

⁹ Insert *is* or *are*.

¹⁰ Where the pauper hath not resided twelve months in Ireland, *erase* the following words, and add, "to which port, we, with the consent of the guardians of the said union of^s think it fit that the said⁴ should be sent."

26 & 27 VICT. CAP. 91.

AN ACT to extend for a further Period the Provisions of the Union Relief Aid Acts. [28th July, 1863.]

25 & 26 Vict.
c. 110.

26 & 27 Vict.
c. 4.

WHEREAS it is expedient that the provisions of the Act of the last session of parliament, intituled "An Act to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein," and of the Act of the present session whereby such provisions were extended for a further period, should be again extended for a limited period: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the

Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. That the provisions of the said Acts shall be further extended and apply to the expenditure for the quarters of the year which shall end respectively at Michaelmas-day and Christmas-day in this year, except that instead of "five shillings" in the fourth section of the said Act of the last session, the words "six shillings and sixpence" shall be substituted with reference to such expenditure. Provisions of recited Acts further extended.

II. The power of the poor law board to issue any order under this Act shall determine on the first day of April next. Issuing orders of Poor Law Board limited.

III. The guardians of any union or parish within the operation of this Act may, with the consent of the poor law board, apply to the public works loan commissioners for an advance of any sum which such guardians shall be entitled to borrow under the authority of this Act;² and the said commissioners may, out of the money for the time being at their disposal, make such advance upon the security of the rates for the relief of the poor in such union or parish, and without requiring any further or other security than a charge on such rates; provided that the aggregate advances to be made by such commissioners under this section shall not exceed two hundred thousand pounds. Power to public works loan commissioners to make advances not exceeding 200,000*l.* to guardians under this Act.

IV. The Acts referred to and this Act may be cited and described for all purposes as The Union Relief Aid Acts, 1862, 1863.³ Short titles.

26 & 27 VICT. CAP. 95.

AN ACT for continuing various expiring Acts.

[28th July, 1863.]

WHEREAS the several Acts mentioned in the first column of the schedule hereto are wholly, or as to certain provisions thereof, limited to expire at the times specified in respect of such Acts in the fourth column of the said schedule: And whereas it is expedient to continue such Acts, in so far as they are temporary in their duration, for the times mentioned in respect of each such Act in the fifth column of the said schedule: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited for all purposes as the "Expiring Short Title. Laws Continuance Act, 1863."

II. The Acts mentioned in column one of the said schedule, Continuance of Acts.

¹ See 25 & 26 Vict. c. 110, s. 8, and 26 Vict. c. 4, s. 8.

² See 25 & 26 Vict. c. 110, s. 3.

³ See *ibid.* s. 10.

together with the Acts, if any, amending the same, shall, in so far as such Acts or any provisions thereof are temporary in their duration, be continued until the times respectively specified in respect of such Acts in the fifth column of the said schedule.

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far tem- porary.	4. Time of Expiration of temporary Pro- visions.	5. Continued until
3 & 4 Vict. c. 89. Poor Rates Stock in Trade Ex- emption.	. . .	Whole Act .	1st October, 1862, and End of then next Session. (22 & 23 Vict. c. 44.)	1st October, 1865, and End of then next Session.
*	*	*	* *	*

26 & 27 VICT. CAP. 110.

AN ACT to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics.
[28th July, 1863.]

16 & 17 Vict.
c. 97.

WHEREAS by "The Lunatic Asylums Act, 1853," the justices of every county and borough are required to provide an asylum for the reception of their pauper lunatics, but power is given to two or more counties and boroughs to unite together for the purpose of providing an asylum for their common use: And whereas by the said Act county is defined to include a county of a city or county of a town, and borough is defined to mean every borough, town, and city corporate having a quarter sessions, recorder, and clerk of the peace:¹ And whereas by "The Lunacy Acts Amendment Act, 1862," it is provided that the word "county" shall not, except in the case of the city of London, mean a county of a city or county of a town:² And whereas certain counties of towns have quarter sessions, but such quarter sessions are not held by a recorder: And whereas at the date of the passing of the last mentioned Act certain agreements were pending for the union, with a view to a common asylum, of certain counties, including counties of towns: And whereas it is expedient to confirm such agreements in certain cases, notwithstanding that by virtue of the last mentioned Act a county of a town is no longer included under the term "county," and is by such exclusion rendered incapable of carrying into effect such agreement: Be it enacted by the

¹ See 16 & 17 Vict. c. 97, s. 132. ² See 25 & 26 Vict. c. 111, s. 48.

Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

I. Where, in pursuance of "The Lunatic Asylums Act, 1853," an agreement for providing a common asylum has been duly entered into between divers counties, properly so called, and such agreement has been afterwards varied by the admission as a party thereto of a county of a city or county of a town, the original agreement shall be binding on the counties originally parties thereto, in the same manner as if no variation of such agreement had been made.

Confirmation
of certain
agreements
between
counties.

II. Whereas by the eighth section of "The Lunacy Acts Amendment Act, 1862," it is provided to the effect that it shall be lawful for the visitors of any asylum, and the guardians of any parish or union within the district for which the asylum has been provided, to make arrangements, subject to such approval as therein mentioned, for the reception and care in the workhouse of the parish or union of a limited number of chronic lunatics to be selected as therein mentioned: And whereas doubts are entertained whether the expression "chronic lunatics" therein mentioned includes lunatics chargeable to parishes or unions other than the parish or union into the workhouse of which they are proposed to be received: Now it is hereby declared, that the words "chronic lunatics" in the said section include chronic lunatics chargeable to other parishes or unions, as well as chronic lunatics chargeable to the parish or union into the workhouse of which they are proposed to be received.

Explanation
of section 8, of
25 & 26 Vict.
c. 86.

III. This Act may be cited for all purposes as "The Lunacy Short title. Acts Amendment Act, 1863."

26 & 27 VICT. CAP. 117.

AN ACT to amend the Nuisances Removal Act for England, 1855, with respect to the Seizure of diseased and unwholesome Meat. [28th July, 1863.]

WHEREAS the provisions of "The Nuisances Removal Act for England, 1855," with regard to the inspection and seizure of diseased and unwholesome meat, are defective; and it is therefore expedient that the same should be repealed, and that other and more effectual provisions in that behalf should be substituted therefor: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

Section 26 of
recited Act
repealed.

Power to
medical officer
of health or
inspector of
nuisances to
inspect any
animal, &c.

I. From and after the passing of this Act, the twenty-sixth section of the said Act is repealed.

II. The medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed for sale, or deposited in any place for the purpose of sale or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for such purpose or purposes, or was not intended for the food of man, resting with the party charged; and in case any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appear to him diseased, or unsound, or unwholesome, or unfit for the food of man, it shall be lawful for such medical officer of health or inspector of nuisances to seize, take, and carry away the same, or direct the same to be seized, taken, and carried away by any officer, servant, or assistant, in order to have the same dealt with by a justice; and if it shall appear to the justice that any such animal, or any of the said articles, is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall order the same to be destroyed, or so disposed of as to prevent such animal or articles from being exposed for sale or used for such food; and the person to whom such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs or did belong at the time of sale or of exposure for sale, or in whose possession or on whose premises the same is found, shall, upon conviction, be liable to a penalty not exceeding twenty pounds for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour so found, or, at the discretion of the justice, without the infliction of a fine, to imprisonment in the common gaol or house of correction for a term of not more than three calendar months.

Penalty for
obstructing
medical officer
of health, &c.

III. In case any person shall in any manner prevent such medical officer of health or inspector of nuisances from entering any slaughter-house, shop, building, market, or other place where such animal, carcase, meat, poultry, or fish is kept for the purpose of sale or of preparation for sale, or shall in any manner obstruct or impede him, or his servant or assistant, when duly engaged in carrying the provisions of this Act into execution, such person shall be liable to a penalty not exceeding five pounds.

This and re-
cited Act to
be as one Act.
Short title.

IV. This Act and "The Nuisances Removal Act for England, 1855," shall be read and construed together as one Act.

V. This Act may be cited for all purposes as "The Nuisances Removal Act for England (Amendment) Act, 1863."

26 & 27 VICT. CAP. 125.

AN ACT for promoting the Revision of the Statute Law
by repealing certain Enactments which have ceased to
be in force or have become unnecessary.

[28th July, 1863.]

WHEREAS, with a view to the revision of the statute law, and particularly to the preparation of a revised edition of the statutes, it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have, by lapse of time and change of circumstances, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. The enactments described in the schedule to this Act are hereby repealed, subject to the exceptions in the schedule mentioned:

Provided, that where any enactment not comprised in the schedule has been confirmed, revived, or perpetuated by any enactment hereby repealed, such confirmation, revivor, or perpetuation shall not be affected by such repeal;

and the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied, incorporated, or referred to;

and this Act shall not affect the validity or invalidity of anything already done or suffered,—or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof,—or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, franchise, liberty, custom, privilege, restriction, exemption, usage, or practice, not now existing or in force.

II. This Act shall extend to England only.

Extent of Act.

III. This Act may be cited as The Statute Law Revision Act, 1863.

Short title.

SCHEDULE.

This schedule is to be read as referring to the edition prepared under the direction of the record commission, intituled "The Statutes of the Realm; printed by Command of His Majesty King George the Third, in pursuance of an Address of the House of Commons of Great Britain. From original Records and authentic Manuscripts." The dates and titles of the statutes and Acts are taken from that edition; the chapters (before the division into separate Acts) are described by the marginal abstracts, and the enactments cited in terms are cited from the translation into English, or the original English, given in that edition.

The repeal by the present Act of a part of a statute or Act set out or referred to in the terms of the translation given in that edition is to operate on the original Latin or Norman-French of which the translation is set out or referred to, as if the original itself were in like manner set out or referred to.

A description or citation of a portion of a statute or Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

The edition of Ruffhead referred to is that by Serjeant Runnington, 1786.

27 Hen. 8, c. 25.	An Acte for punysshement of sturdy vacabundes and beggers.
28 Hen. 8, c. 6.	An Acte for the contynuyng of the statutes for beggars and vacabund ^e . * * *
31 Hen. 8, c. 7.	An Acte for beggers and vagabond ^e .
1 Ed. 6, c. 3.	An Acte for the punishment of vagabondes and for the relief of the poore and impotent parsons.
5 & 6 Ed. 6, c. 2.	For the provisyon and relief of the poore.
2 & 3 Ph. & M. c. 5.	An Acte for the reliefe of the poore.
14 Eliz. c. 5.	An Acte for the punishment of vacabondes, and for the relief of the poor and impotent.
18 Eliz. c. 3.	An Acte for the setting of the poore on worke, and for the avoyding of ydlenes.
39[&40] El. c. 3.	An Acte for the releife of the poore.
43 [& 44] Eliz. c. 2, in part.	An Acte for the releife of the poore. In part; namely—Sections eleven to sixteen, ¹ and section nineteen. ²
7 [& 8] Jac. I, c. 4.	An Acte for the due execucion of divers lawes and statutes heretofore made against rogues vagabond ^e and sturdy beggars and other lewde and idle psons.
14 Car. 2, c. 12, in part.	An Act for the better releife of the poore of this kingdom. In part; namely—sections four to fourteen, sixteen, seventeen, nineteen, twenty-three, and twenty-five.
22 & 23 Car. 2, c. 18.	An Act for the better regulateing of workehouses for setting the poore on worke.

¹ Sections 12 to 17 in Ruffhead's edition.

² Section 20 in Ruffhead's edition.

THIS PART OF THE WORK CONTAINS STATUTES NOT INCLUDED IN THE FIRST VOLUME; AND, AS GUARDIANS ARE NOW IN CERTAIN PLACES THE LOCAL AUTHORITY FOR CARRYING THE ACT INTO EXECUTION, ALSO THE NUISANCES REMOVAL ACT, 18 & 19 VICT. c. 121, AS WELL AS THE DISEASES PREVENTION ACT, 18 & 19 VICT. c. 116.

5 & 6 W. & M. CAP. 11.

AN ACT to prevent Delays of Proceedings at the Quarter Sessions of the Peace.

“WHEREAS it is experienced, that notwithstanding the statutes 21 Jac. 1, c. 8. made in the one and twentieth year of the reign of King James the First, and in the thirteenth and fourteenth and two and 13 & 14 Car. 2, twentieth years of King Charles the Second, concerning the c. 6. granting of writs of certiorari, to remove indictments of riots, 22 Car. 2, c. 12, forcible entry, assault and battery, and other presentments and s. 4. indictments out of the courts of the general or quarter-sessions of the peace, in the counties or places wherein such indictments have been found, and proceedings thereupon recorded, into their majesties’ court of King’s Bench, divers turbulent contentions, lewd and evil-disposed persons, fearing to be deservedly punished where they and their offences are well known, have not only obtained writs of certiorari for removing such indictments found against them as aforesaid, but also indictments for sundry other trespasses, frauds, nuisances, contempts and misdemeanors, after issue joined, and the prosecutors attending with their council and witnesses to try the same before the said justices of the peace in their said sessions, to the great discouragement of the prosecutors, and of such constables and other officers, as according to their duty present persons for those and such like trespasses, offences, and misdemeanors:” For remedy whereof, and that such offenders may be brought to condign punishment,

II. Be it enacted by the King’s and Queen’s most excellent Majesties, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that in term time no writ of certiorari whatsoever, at the prosecution of any party indicted, be hereafter granted, awarded, or directed out of the said Court of King’s Bench, to remove any such

term time
grantable only
upon motion.

indictment or presentment of trespass or misdemeanor, before trial had, from before the said justices in the said courts of general or quarter sessions of the peace, unless such certiorari shall be granted or awarded upon motion of council, and by rule of court made for the granting thereof before the judge or judges of the said Court of King's Bench sitting in open court, and that all the parties indicted, prosecuting such certiorari before the allowance thereof, shall find two sufficient manucaptors, who shall enter into a recognizance before one or more justices of the peace of the county or place, in the sum of twenty pounds, with condition at the return of such writ to appear and plead to the said indictment or presentment in the said Court of King's Bench, and at his and their own costs and charges to cause and procure the issue that shall be joined upon the said indictment or presentment, or any plea relating thereunto, to be tried at the next assizes to be held for the county wherein the said indictment or presentment was found, after such certiorari shall be returnable, if not in the cities of London, Westminster, or county of Middlesex; and if in the said cities or county, then to cause or procure it to be tried the next term after, wherein such certiorari shall be granted, or at the sitting after the said term, if the Court of King's Bench shall not appoint any other time for the trial thereof; and if any other time shall be appointed by the court, then at such other time, and to give due notice of such trial to the prosecutor, or his clerk in court; and that the said recognizance and recognizances, taken as aforesaid, shall be certified into the said Court of King's Bench, with the said certiorari and indictment, to be there filed, and the name of the prosecutor (if he be the party grieved or injured) or some publick officer, to be indorsed on the back of the said indictment, and if the person prosecuting such certiorari, being the defendant, shall not, before allowance thereof, procure such manucaptors to be bound in a recognizance as aforesaid, the justices of the peace may and shall proceed to trial of the said indictment at the said sessions, notwithstanding such writ of certiorari so delivered.

III. And be it further enacted, That if the defendant prosecuting such writs of certiorari be convicted of the offence for which he was indicted, that then the said Court of King's Bench shall give reasonable costs to the prosecutor, if he be the party grieved or injured, or be a justice of the peace, mayor, bailiff, constable, headborough, tythingman, churchwarden, or overseer of the poor, or any other civil officer, who shall prosecute upon the account of any fact committed or done, that concerned him or them as officer or officers, to prosecute or present, which costs shall be taxed according to the course of the said court, and that the prosecutor, for the recovery of such costs, shall within ten days after demand made of the defendant, and refusal of payment on oath, have an attachment granted against the defendant by the said court

Recognizance to be given for trying the issue next assizes,

except in London, Westminster, and Middlesex.

Certiorari granted without recognizance void.

Officers prosecuting shall have costs.

for such his contempt; and that the said recognizance shall not be discharged till the costs so taxed shall be paid.

IV. Provided always, and be it enacted by the authority Certiorari, aforesaid, that in any of the vacations, writs of certiorari may how grantable be granted by any of the justices of their Majesties Court of King's Bench, whose names shall be indorsed on the said writ, in vacation. and also the name of such person at whose instance the same is granted, and that the party or parties indicted, prosecuting such certiorari, shall, before the allowance of such writ or writs, of certiorari, find such sureties, in such sum, and with such conditions, as are before mentioned and specified in this present Act.

V. And be it further enacted by the authority aforesaid, Certiorari in that upon every certiorari granted or awarded within the counties palatine of Chester, Lancaster, or Durham, to remove Chester, &c., how granted. indictments or presentments for any of the matters aforementioned, all the parties indicted, prosecuting such certiorari, shall find such sureties to be bound in such sums, and with such respective conditions, and at his or their own costs and charges shall cause and procure the issue joined upon the said indictments or presentments to be tried at the next assizes or general gaol delivery to be held for the said respective counties, and shall give like notice to the prosecutor, and if convicted shall be liable to like costs, to be taxed as is by this Act provided for in cases where the same are granted or awarded out of the Court of King's Bench at Westminster.

●VI. Provided always, and be it enacted by the authority Certiorari aforesaid, that if any indictment or presentment be against upon repair- any person or persons, for not repairing of any highways, cause- ing highways, ways, pavements or bridges, and the right or title to repair the &c. same may come in question, upon such suggestion and affidavit made of the truth thereof, a certiorari may be granted to remove the same into the Court of King's Bench; any law or statute to the contrary in any wise notwithstanding. Provided nevertheless, that the party or parties prosecuting such certiorari shall find two manucaptors to be bound in a recognizance with condition as aforesaid.

VII. Provided always, and be it enacted by the authority Act to con- aforesaid, That this Act shall continue and be in force for tinue for three three years, and from thence to the end of the next session of years. parliament, and no longer.¹

¹ See 8 & 9 Will. 3, c. 33, by which this Act is made perpetual; and 5 Geo. 2, c. 19, ss. 2 and 3; 13 Geo. 2, c. 18, s. 5; 5 & 6 Will. 4, c. 33, ss. 1 and 2.

8 & 9 WILL. 3, CAP. 33.

AN ACT to make perpetual and more effectual an Act, intituled, "An Act to prevent Delays at the Quarter Sessions of the Peace."¹

5 & 6 W. & M. c. 11, made perpetual. "WHEREAS an Act made in the fifth and sixth years of the reign of King William and the late Queen Mary, intituled, 'An Act to prevent Delays of Proceedings at the Quarter-Sessions of the Peace,' which was to continue and be in force for three years, and from thence to the end of the next session of parliament, by experience hath been found useful and beneficial;" Therefore for continuing the same, Be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the said Act shall be and is hereby continued, and shall be in force and made perpetual.

Where party prosecutes certiorari to remove indictment.

Manueaptors.

Party to appear daily in K. B. until discharged.

II. And for the making the purpose and design of the said Act more effectual, Be it enacted by the authority aforesaid, that from and after the one and twentieth day of April, which shall be in the year of our Lord one thousand six hundred and ninety-seven, the party or parties prosecuting any certiorari, to remove any indictment or presentment from the quarter or general sessions of the peace, may find two sufficient manueaptors, who shall enter into a recognizance before any one of his Majesty's justices of the Court of King's Bench, in the same sum, and under the same condition, as is required by the said Act, whereof mention shall be made on the back of such writ, under the hand of the justice taking the same, which shall be as effectual and available to all intents and purposes, to stay or supersede any further proceedings upon any indictment or presentment, for the removal of which the said writ of certiorari shall be granted, as if the recognizance had been taken before any one of the justices of the peace of the county or place where such indictment was found, or presentment made; and also it shall be added to the condition of every recognizance taken by virtue of this and the said Act, that the party or parties prosecuting such writ of certiorari, shall appear from day to day in the said Court of King's Bench, and not depart until he or they shall be discharged by the said court.

¹ See 5 & 6 W. & M. c. 11, s. 3; 5 Geo. 2, c. 19, ss. 2 & 3; 13 Geo. 2, c. 18, s. 5; and 5 & 6 Will. 4, c. 33, ss. 1 and 2.

5 GEO. 2, CAP. 19.

AN ACT to oblige the Justices of the Peace at their General Quarter Sessions to determine Appeals made to them according to the merits of the case, notwithstanding defects of form in the original Proceedings; and to oblige persons suing forth Writs of Certiorari to remove orders made on such Appeals into His Majesty's Court of King's Bench, to give security to prosecute the same with effect.¹

* * * * *

“II. And whereas divers writs of certiorari have been procured to remove such judgments or orders into His Majesty's Court of King's Bench at Westminster, in hopes thereby to discourage and weary out the parties concerned in such judgments or orders by great delays and expences;” Be it therefore enacted by the authority aforesaid, that no certiorari shall be allowed to remove any such judgment or order, unless the party or parties prosecuting such certiorari, before the allowance thereof, shall enter into a recognizance with sufficient sureties before one or more justices of the peace of the county or place, or before the justices at their general quarter-sessions or general sessions where such judgment or order shall have been given or made, or before any one of His Majesty's justices of the said Court of King's Bench, in the sum of fifty pounds, with condition to prosecute the same at his or their own costs and charges with effect, without any wilful or affected delay, and to pay the party or parties, in whose favour and for whose benefit such judgment or order was given or made, within one month after the said judgment or order shall be confirmed, their full costs and charges, to be taxed according to the course of the court where such judgments or orders shall be confirmed; and in case the party or parties prosecuting such certiorari shall not enter into such recognizance, or shall not perform the conditions aforesaid, it shall and may be lawful for the said justices to proceed and make such further order or orders for the benefit of the party or parties for whom such judgment shall be given, in such manner as if no certiorari had been granted.

III. And it is hereby further enacted by the authority aforesaid, that the recognizance and recognizances to be taken as aforesaid shall be certified into the Court of King's Bench at Westminster, and there filed with the certiorari and order, or judgment removed thereby; and if the said order or judgment

¹ See 5 & 6 Will. 4, c. 33, ss. 1 & 2.

shall be confirmed by the said court, the persons intituled to such costs for the recovery thereof, within ten days after demand made of the person or persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, shall have an attachment granted against him or them by the said court for such contempt, and the said recognizance so given, upon the allowing of such certiorari, shall not be discharged, until the costs shall be paid, and the order so confirmed shall be complied with and obeyed.

Attachment.

13 GEO. 2, CAP. 18.

AN ACT to continue several laws therein mentioned; * *
and for limiting the time for suing forth Writs of Certiorari upon Proceedings before Justices of the Peace; * *

* * * * *

Writ of certiorari how to be applied for.

V. And for the better preventing vexatious delays and expence, occasioned by the suing forth writs of certiorari, for the removal of convictions, judgments, orders and other proceedings before justices of the peace; Be it further enacted by the authority aforesaid, that, from and after the twenty-fourth day of June, which shall be in the year of our Lord one thousand seven hundred and forty, no writ of certiorari shall be granted, issued forth or allowed, to remove any conviction, judgment, order or other proceedings had or made by or before any justice or justices of the peace of any county, city, borough, town corporate or liberty, or the respective general or quarter-sessions thereof, unless such certiorari be moved or applied for within six calendar months next after such conviction, judgment, order or other proceedings shall be so had or made, and unless it be duly proved upon oath, that the said party or parties suing forth the same, hath or have given six days' notice thereof in writing to the justice or justices, or to two of them (if so many there be) by and before whom such conviction, judgment, order or other proceedings shall be so had or made, to the end that such justice or justices, or the parties therein concerned, may show cause, if he or they shall so think fit, against the issuing or granting such certiorari.¹

Oath.

¹ See 5 & 6 Will. & Mary, c. 11, s. 3; 8 & 9 Will. 3, c. 33; 2 Geo. 2, c. 33, ss. 2 & 3; 5 & 6 Will. 4, c. 33, ss. 1 & 2.

27 GEO. 2, CAP. 20.

AN ACT for the more easy and effectuaI proceeding upon Distresses to be made by Warrants of Justices of the Peace.

“ WHEREAS by many Acts of Parliament, justices of the peace are impowered to issue warrants for the distress and sale of goods and chattels, but the charges of distraining, keeping and sale of such goods and chattels are not provided for in all the said Acts, nor is there a time in all cases limited for the sale thereof, whereby inconveniences have arisen :” Therefore for remedy thereof, Be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that in all cases where any justice or justices of the peace is or are, or shall be required or impowered by any Act or Acts of Parliament now in force, or hereafter to be made, to issue a warrant of distress for the levying of any penalty inflicted, or any sum of money directed to be paid, by or in consequence of such Act or Acts, it shall and may be lawful for the justice or justices granting such warrant, therein to order and direct the goods and chattels so to be distrained, to be sold and disposed of, within a certain time to be limited in such warrant, so as such time be not less than four days, nor more than eight days, unless the penalty or sum of money for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, be sooner paid.

Warrants of distress to mention time of sale.

II. And be it further enacted, that the officer making such distress, shall, and is hereby impowered to deduct the reasonable charges of taking, keeping and selling such distress, out of the money arising by such sale; and the overplus (if any) after such charges, and also the said penalty or sum of money shall be fully satisfied and paid, shall be returned on demand to the owner of the goods and chattels so distrained; and the officer executing such warrant, if required, shall show the same to the person whose goods and chattels are distrained, and shall suffer a copy thereof to be taken.

Charges of keeping and selling.
Overplus.

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24 GEO. 3, SESS. 2, CAP. 29.

AN ACT for vesting certain Lands, Tenements, and Hereditaments, in Trustees, for better securing His Majesty's Docks, Ships, and Stores, at Portsmouth and Plymouth; and also for revesting certain Messuages, Lands, Tenements, and Hereditaments, in the counties of Southampton, Cornwall, and Devon, in the former Proprietors thereof; and for other Purposes therein mentioned.

* * * * *

Lands purchased in pursuance of Act, liable to tithes and taxes:

To be paid by storekeeper of Ordnance.

XIV. Provided also, and be it further enacted by the authority aforesaid, that the lands vested by, and to be purchased in pursuance of this Act, which were before the passing of this Act liable to and charged with tithes, land tax, poor and other rates, in the respective parishes where such lands respectively lie, shall, from the time the same were or shall be taken possession of as aforesaid, stand and be subject and liable to and chargeable with the payment of tithes, land tax and all other parish rates and taxes, according to the average rate at which the said lands have been heretofore assessed; and that the said lands and premises so to be charged and chargeable shall, as to so much thereof as shall not be otherwise demised or occupied by any particular person or persons, stand and be charged to, and in the name of, and paid by, the storekeeper of His Majesty's Ordnance for the time being, at the place or places where such lands respectively lie; and that such storekeeper paying the same shall be repaid and allowed such sum and sums of money as such storekeeper shall so pay, by the treasurer or paymaster of His Majesty's Ordnance for the time being, on demand thereof, who shall be allowed the same in his accounts; and that in case such storekeeper, so charged and chargeable therewith, shall neglect or refuse to pay any such tithes, taxes, or rates, so to be made on him as aforesaid when demanded, that then, and in every such case, the sum or sums so due and claimed for such tithes, and so to be assessed and charged on such storekeeper, in respect of such lands and premises, shall and may be levied on such storekeeper, by such ways and means, and in such manner, as upon any other occupier of lands liable to the payment of any such tithes, tax or rate; any law, statute, custom or usage, to the contrary in any wise notwithstanding

* * * * *

20 Geo. 3, c. 49.

“XVII. And whereas by virtue of an Act of Parliament, passed in the twentieth year of the reign of His present Majesty, intituled, ‘An Act to vest certain Messuages, Lands, Tenements

and Hereditaments in Trustees, for the better securing his Majesty's Dock, Ships and Stores at Chatham,' certain messuages, lands, tenements and hereditaments, in the several parishes of Chatham and Saint Margaret, next the city of Rochester, in the county of Kent, have been purchased and taken possession of by the principal officers of His Majesty's Ordnance, pursuant to the directions in the said Act contained: And whereas the said messuages, lands, tenements and hereditaments in the said county of Kent, hereinbefore mentioned to have been purchased in pursuance of the said first above recited Act, passed in the twentieth year of the reign of His present Majesty, which are situate in the parishes of Milton next Gravesend, and Minster in the Isle of Sheppy, are now in the possession of the said principal officers of His Majesty's Ordnance: And whereas no provision was made in either of the said two recited Acts, passed in the twentieth year of the reign of His present Majesty, for the payment of the tithes, land tax, poor and other rates, with respect to the said messuages, lands, tenements and hereditaments, in the said several parishes of Chatham, Saint Margaret next the city of Rochester, Milton next Gravesend, and Minster in the Isle of Sheppy, in the said county of Kent, purchased in pursuance thereof, whereby the rates fall heavy upon the parishioners;" Be it therefore enacted, that the said several messuages, lands, tenements and hereditaments, situate in the said several parishes of Chatham, Saint Margaret next the city of Rochester, Milton next Gravesend, and Minster in the Isle of Sheppy, in the said county of Kent, so purchased and taken possession of by the principal officers of His Majesty's Ordnance or Engineers, or other officers acting under their authority, for His Majesty's use, as aforesaid, which were, before the passing of the said two Acts respectively made in the twentieth year of the reign of His present Majesty, liable to and charged with tithes, land tax, poor and other rates, within the respective parishes where such lands respectively lie, shall, from and after the passing of this Act, stand and be subject and liable to, and charged and chargeable with the payment of tithes, land tax, poor and all other parish rates and taxes, according to the average rate at which the said lands have been heretofore assessed; and that the said lands and premises so to be charged and chargeable shall, as to so much thereof as shall not be otherwise demised to or occupied by any particular person or persons, stand and be charged to and in the name of, and paid by the storekeeper of His Majesty's Ordnance for the time being, at the place or places where such lands respectively lie; and that such storekeeper paying the same shall be repaid and allowed such sum and sums of money as such storekeeper shall so pay, by the treasurer or paymaster of His Majesty's Ordnance for the time being, on demand thereof, who shall be allowed the same in his accounts; and in case such storekeeper so charged and charge-

Lands, &c., in Chatham, &c., taken possession of for His Majesty's use, liable to tithes, &c., as heretofore.

Tithes, &c., paid by storekeeper of Ordnance.

Refusing. able therewith shall neglect or refuse to pay any such tithes, taxes or rates to be made on him as aforesaid, when demanded, that then and in every such case, the sum or sums so due and claimed for such tithes, taxes, poor or other rates, and so to be assessed and charged on such storekeeper in respect of such lands and premises, shall and may be levied on such storekeeper, by such ways and means, and in such manner, as upon any other occupier of lands liable to the payment of any such tithes, taxes or rates; any law, statute, custom or usage to the contrary in any wise notwithstanding.

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39 & 40 GEO. 3, CAP. 99.

AN ACT for better regulating the Business of Pawnbrokers. [28th July, 1800.]

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Unlawfully VIII. And be it further enacted, that, from and after the
pawning goods commencement of this Act, if any person or persons shall
the property of knowingly and designedly pawn, pledge or exchange, or unlaw-
others. fully dispose of the goods or chattels of any other person or
persons, not being employed or authorized by the owner or
owners thereof so to do, it shall be lawful for any justice to
grant his warrant to apprehend any person so offending, and if
he, she or they shall be thereof convicted, by the oath of any
credible witness or witnesses, or by the confession of the per-
son or persons charged with such offence, before any justice or
justices of the peace for the county, riding, division, city,
liberty, town or place where the offence shall be committed
(which oath every such justice or justices as aforesaid is and
are hereby empowered and required to administer) every such
offender shall, for every such offence, forfeit any sum not ex-
ceeding five pounds nor less than twenty shillings, and also the
full value of the goods or chattels so pawned, pledged, ex-
changed, or disposed of, such value to be ascertained by such
justice or justices; and in case the said forfeitures shall not be
forthwith paid, the justice or justices of the peace as aforesaid
before whom such conviction shall be had, shall commit the
party or parties so convicted to the house of correction or
some other publick prison of the county, riding, division, city,
liberty, town or place wherein the offender or offenders shall
reside or be convicted, there to remain and be kept to hard
labour for a space not exceeding three calendar months, unless
the said forfeitures shall be sooner paid; and if within three
days before the expiration of the said term of commitment the
said forfeitures shall not be paid, the said justice or justices, at
his and their discretion, may order the person or persons so

Penalty.

convicted to be publickly whipped in the house of correction or prison to which the offender or offenders shall have been committed, or in some other publick place of the county, riding, division, city, liberty, town or place where the offence shall have been committed, as to such justice or justices shall seem proper; and the said respective forfeitures, when recovered, shall be applied towards making satisfaction thereout to the party or parties injured, and defraying the costs of the prosecution, as shall be adjudged reasonable by the justice or justices before whom such conviction shall be had; but if the party or parties injured shall decline to accept of such satisfaction and costs, or if there shall be any overplus of the said respective forfeitures, after making such satisfaction and paying such costs as aforesaid, then such respective forfeitures, or the overplus thereof (as the case shall happen) shall be paid and applied to and for the use of the poor of the parish or place where such offence shall have been committed, and shall be paid to the overseers of the poor of such parish or place for that purpose.

42 GEO. 3, CAP. 90.

AN ACT for amending the laws relating to the Militia in England, and for augmenting the Militia.¹

[26th June, 1802.]

* * * * *

CLVIII. And be it further enacted, that in every county, riding or place in which the full number of men required by or in pursuance of any of the provisions of this Act, as the quota of such county, riding or place, shall not be raised and completed within six months after the passing of this Act, or after the same shall have been fixed and established by any subsequent order of His Majesty in council as hereinbefore directed, then and in every such case the sum of ten pounds shall be annually paid for and in lieu of every private militia man less than the quota of such county, riding or place, who shall not have been raised within the time limited by this Act; and the justices of the peace and magistrates of every such county, riding and place, assembled at the general ~~the~~ quarter sessions of the peace to be held next after the expiration of the said six months shall, upon the receipt of the certificate of the lieutenant or three deputy lieutenants, which certificate he and they is and are hereby required to transmit to the clerk of the peace for such county, riding or place, in order to be laid before the said justices and magistrates respectively at such ses-

Where quota of any county, &c., shall not be raised, 10l. to be annually paid for each man deficient, for which the sessions shall make an assessment.

¹ With reference to the following provisions of this Act, see also 15 & 16 Vict. c. 50, "An Act to consolidate and amend the Laws relating to the Militia in England;" which, however, is not comprised in this collection of statutes.

sions, rate and assess the said sum of ten pounds per man as aforesaid, upon every such county, riding or place; and in case at any future time the number of men required to be provided for the militia of any county, riding or place, according to the several provisions of this Act, shall not be provided within three calendar months after the lieutenant or any one of the three deputy lieutenants shall have had notice from or by the order of the commanding officer of any regiment, battalion or corps of such militia of any such deficiency, then and in every such case the justices and magistrates as aforesaid, assembled at the next general quarter sessions of the peace holden for the county, riding or place, after such deficiency shall have been made known to them by the lieutenant or deputy lieutenants as aforesaid, shall rate and assess the like sum of ten pounds for every man so deficient as aforesaid, upon every county, riding or place.

Such assessments shall be made on each parish proportionally.

CLIX. And be it further enacted, that the justices and magistrates aforesaid, in making any such rate and assessment upon the whole of any county, riding or place, shall apportion the sums so to be assessed as aforesaid, and rate and assess the same upon the several parishes and tythings in such county, riding or place, in the same proportions in which the men for the militia are required to be raised by such parishes and tythings respectively, according to such appointment as may have been made thereof in pursuance of this Act, or to the last apportionment that shall have been made of men to be raised by each parish and tything.

When deficiency shall arise in any particular places, assessment to be made thereon.

CLX. And be it further enacted, that when in any county, riding or place, such deficiency of men shall arise from the default of any particular parish or tything, or parishes or tythings in such county, riding or place, in not raising the proportion or respective proportions of men required to be raised by any such parish or tything, or parishes or tythings, then and in such cases the said justices and magistrates, in making such rate and assessment as aforesaid, shall rate and assess all and every such sum and sums of money upon such parish or tything, or parishes or tythings, that shall have so made default as aforesaid, in proportion to the number of men by which each of such parishes or tythings shall fall short of the number of men required to be raised therein.

Justices to transmit amount of assessments to county treasurer: and he give notice to overseers, who shall pay the money out of the poor rates.

CLXI. And be it further enacted, that the justices and magistrates of the several counties, ridings and places, where any such rate and assessment shall be made as aforesaid, shall, immediately after the making of any such rate and assessment as aforesaid, transmit or cause to be transmitted the several amounts of the sums so assessed upon the several parishes and tythings, to the treasurer or treasurers of such county, riding or place; and such treasurer or treasurers shall, as soon as conveniently may be, cause notice thereof to be given to the respective overseers of the poor of the several parishes and

tythings upon which any such rate or assessment shall have been made as aforesaid; and such overseers shall, within fourteen days after such notice as aforesaid of such rate or assessment, pay the amount of the rate or assessment made upon their respective parishes or tythings, out of any money in their on any of their hands, of the rates for the relief of the poor; and if they or any of them shall not have sufficient of such money for that purpose, then such overseers shall, and they are hereby required to make a rate sufficient to satisfy such rate and assessment; and it shall be lawful for the said overseers to levy and collect the same in such manner as rates made for the relief of the poor, or any other rates made for the purposes of this Act may be levied and collected.

CLXII. And be it further enacted; that the treasurer or County treasurer receiving any such sum or sums of money shall retain such sum or sums of money in his or their hands for three calendar months after the receipt thereof; and during the said period of three months it shall be lawful for any deputy lieutenant of the subdivision of the said county, riding or place within which such parish, tything or place shall be situate, to raise any volunteer or volunteers for such militia, in lieu of such man or men as shall be so deficient as aforesaid, and to agree with every such volunteer for a bounty not exceeding the sum of ten pounds; and the deputy lieutenant before whom any such volunteer shall be duly examined, approved, sworn and enrolled to serve in the militia, shall make an order upon such treasurer or treasurers for the payment of such bounty; and upon the production to such treasurer or treasurers of a certificate under the hands of such deputy lieutenants as aforesaid, of any such volunteer having been duly examined, approved, sworn and enrolled to serve in the militia, and of such order for the payment of such bounty as aforesaid, and of a certificate under the hands of the commanding officer of any regiment, battalion or corps of militia of such county, riding or place, of such man having joined his regiment, battalion or corps, such treasurer or treasurers shall, and he and they is and are hereby respectively required to pay out of such money in his or their hands as aforesaid, any sum of money not exceeding the said sum of ten pounds for each of such volunteers as aforesaid; and such treasurer or treasurers shall, at the expiration of three months after the receipt of such money as aforesaid, pay all sums of money as may have come into his or their hands, for and on account of any such fines as aforesaid, and as shall not have been paid for and on account of any such volunteer as aforesaid, in manner herein directed, to the receiver general of such county, riding or place, to be applied and disposed of in like manner as directed by this Act.

“CLXIII. And whereas there are several cities, towns and places, which do not contribute to the payment of the said rate, called the county rate, and doubts may arise whether

County treasurer to retain such money three months, and pay thereout bounties to volunteers raised by deputy lieutenants, and balance to receiver general of the county.

In places where no county rates, assessments raised as poor's rates, and paid by overseers to treasurer of county.

such cities, towns and places can be legally rated or assessed towards the payment of the rate or assessment to be laid in pursuance of this Act:" Be it therefore enacted, that in all cases where the militia shall not be raised within any city, town or place, not rated to the county rate, the proportion of the said sum of ten pounds per man to be borne by such city, town or place, shall be raised, levied and collected within such city, town or place, by a separate rate or assessment, in like manner, by the overseers of the poor, and by such and the like ways and means as the rates for the relief of the poor can or may be raised, levied, and collected; and such overseers of the poor shall, from time to time, pay over the same to the treasurer of the county, riding or place, with which such city, town or place shall be joined or united, for the purpose of raising the militia.

Where a town lies in two counties, assessments paid where church stands.

"CLXIV. And whereas there [are] some towns which lie in two counties or ridings, and doubts may arise whether such towns are obliged to pay to both counties or ridings towards raising the said money:" Be it therefore further enacted, that where any town lies in two counties or ridings, or part thereof in a county and part in a riding, the proportion of the said money to be paid for such town, in lieu of raising the militia as aforesaid, shall be paid to the treasurer of the county or riding wherein the church of such town is situate.

If such assessment be not paid before June 1, yearly, it may be levied by next quarter sessions on overseers.

CLXV. And be it further enacted, that if any sum of money which ought to be paid by any city, town or place, not rated to the county rate as aforesaid, shall not be paid to the treasurer of the county, riding or place as aforesaid, before the first day of June in every year, the justices of the peace for such county, riding or place shall, at their next Midsummer quarter sessions, and they are hereby required (by their warrant, directed to any constable or tythingman of every such parish and division,) to cause the sum due from such parish under this Act, by reason of such men not being raised as aforesaid, to be levied by distress and sale of the goods and chattels of the respective overseers of the poor of every such parish and division, rendering the overplus (if any) to the owners of such goods and chattels, after such money and the reasonable charges attending such distress and sale shall be fully paid and satisfied; and all such overseers of the poor shall be reimbursed the money so levied on them respectively, by the same ways and means as overseers of the poor are reimbursed the money by them expended for the relief of the poor by the laws now in being, and may make a rate for that purpose if necessary.

When assessment is paid to receiver general, place indemnified for not raising its quota that year.

CLXVI. And be it further enacted, that every receiver general of the rates and duties under the management of the commissioners for the affairs of taxes, to whom any such money shall be paid, shall give a receipt for such money to the person or persons paying the same, which receipt shall be a sufficient discharge for such payment; and that when the whole sum

directed to be raised in any county, riding or place as aforesaid, shall be paid into the hands of the receiver general, in pursuance of this Act, such payment shall be a full discharge and indemnification to such county, riding or place, for the failure or neglect in raising and training the number of men of the militia for the year in respect whereof such payment shall be made; and every such receiver general shall, within ten days after the receipt of any such money, certify such receipt to the lord high treasurer or commissioners of His Majesty's Treasury, and forthwith pay the same into the receipt of His Majesty's exchequer at Westminster; and the money so paid into the exchequer shall be kept separate and apart from all other money, and shall be accounted for yearly to parliament, and disposed of as parliament shall direct; and no fee or gratuity whatsoever shall be given or paid to any officer of the exchequer, for or on account of receiving or issuing any such money; and the high treasurer or the commissioners of the treasury, or any three or more of them, is and are hereby authorized to allow to the receiver general of any such county or place, upon the clearing of his accounts, such salary or reward for his pains and trouble in receiving and paying in such money, as the said high treasurer or commissioners shall think proper, not exceeding two pence in the pound for so much money as he shall pay into the exchequer in pursuance of this Act.

Such payments to be certified to treasury, and money paid into exchequer, and disposed of by parliament.

Allowance to receiver general.

CLXVII. Provided always, and be it further enacted, that the treasurer of every county, riding or place in which any such money shall be raised as aforesaid, shall be allowed for his pains and trouble the sum of one penny in the pound, upon the whole sum so by him received and paid; which allowance every such treasurer is hereby authorized to detain in his hands out of the money so received by him, before payment made to the receiver general as aforesaid; and every high constable, petty constable, churchwarden and overseer of the poor, who shall act in raising and collecting of the said money, shall respectively be allowed and paid by such treasurer, as a recompence for their trouble therein, the sum of one penny in the pound of all such money, in the raising and collecting whereof they shall respectively act as aforesaid; and such treasurer is hereby authorized and required to deduct the same out of the money so received by him as aforesaid, and to pay the respective proportions thereof to such high constables or other officers aforesaid.

Allowance to county treasurer, high constables, &c.

* * * * *

43 GEO. 3, CAP. 99.

AN ACT for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the management of the Commissioners for the Affairs of Taxes, and for amending the same.

[27th July, 1803.]

* * * * *

Inhabitants, &c., of parishes may require security to be taken from collectors, and name persons willing to give such security.

In which case no collectors shall be appointed without security.

Within the Bills of Mortality, &c., appointment of collectors shall belong to the resident commissioners ;

XIV. Provided always, and be it further enacted, that if any two or more of the inhabitants of the district or place for which a collector or collectors may be named as aforesaid, being respectively charged to any of the said duties to be assessed under the regulations of this Act, or the churchwardens or overseers, or guardians of the poor of any description, or any two or more of them, or the select vestry, or any seven or more of them, where a select vestry shall be authorized to act for any parish or place, shall require security to be taken of the collector or collectors to be appointed for the parish or place on behalf of which such application shall be made, and shall name a fit and proper person or persons to be a collector or collectors who respectively are willing to give such security, it shall not be lawful for such commissioners to appoint collectors for such duties, or any of them, until such security be given ; and if the person or persons returned to the said commissioners according to this Act to be a collector or collectors, shall not have given or shall not give such security, then it shall be lawful for such commissioners to appoint such persons and no others, who shall have been named to them by the persons respectively before mentioned, as fit and proper persons to be collectors, and who will give such security as shall be required.

XV. And be it further enacted, that within the Bills of Mortality, the parishes of Saint Mary-le-Bone and Saint Pancras in the county of Middlesex, the appointment of the collectors of such duties as aforesaid, shall belong wholly to such of the commissioners for executing this Act, who shall reside in the wards or parishes for which such collectors respectively are to be appointed, in case there shall be two or more commissioners there resident, and no other commissioner shall in such case interfere : and it shall be lawful for such commissioners residing within the respective wards or parishes aforesaid to appoint two or more persons to be collectors, who shall have given such security as aforesaid, whether such persons shall have been presented by the assessors as aforesaid, or named by the inhabitants, or churchwardens and overseers or guardians of the poor, or any two or more of them, or any seven or more of the vestry where a select vestry shall be appointed as aforesaid, and who

shall be thought by such commissioners to be of ability to execute the office of collector; and that in default of presenting or naming such persons who shall be willing to give such security, then the said commissioners residing as aforesaid shall name such persons as they shall think of ability to execute the said office: Provided always, that where two or more commissioners shall not be resident in any such ward or parish as aforesaid, for which collectors are to be appointed, then a commissioner or commissioners residing in any adjacent ward or parish in the same county or city, may appoint or concur with a commissioner so residing, in the appointment of such collectors; and every person appointed a collector in pursuance of this Act, shall also, by virtue of such appointment, act as an assessor for the same parish, ward or place.

* * * * *

XLIII. Provided always, and be it further enacted, that the collector or collectors appointed for any parish, ward, or place as aforesaid, when required so to do by the churchwardens and overseers or guardians of the poor, or any two of them, or the select vestry, as aforesaid, or any seven of them, shall deliver to them respectively an account in writing of the sums received by such collector or collectors, and of the sums in arrear, and of the sums remaining in his or their hands, and also of the sums paid to the receiver general; and if any collector shall refuse or neglect so to do within fourteen days after such demand shall be made, he shall forfeit and pay to the use of the poor of such parish or place where such collector shall reside, the sum of twenty pounds.

Collectors, when required by churchwardens, &c., shall deliver a statement of their account.

Penalty, 20*l*.

48 GEO. 3, CAP. 55.

AN ACT for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties to be consolidated therewith; and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the management of the Commissioners for the Affairs of Taxes.

[1st June, 1808.]

* * * * *

SCHEDULE B.

Exemptions.

* * * * *

Case IV.—Any hospital, charity school, or house provided Hospitals, &c. for the reception or relief of poor persons.¹

¹ See 14 & 15 Vict. c. 36, s. 2.

52 GEO. 3, CAP. 146.

AN ACT for the better regulating and preserving Parish and other Registers of Births, Baptisms, Marriages, and Burials in England. [28th July, 1812.]

* * * * *

Register books kept in custody of officiating minister, in iron chest, provided at expence of parish.

V. And be it further enacted, that the several books wherein such entries shall respectively be made, and all register books heretofore in use, shall be deemed to belong to every such parish or chapelry respectively, and shall be kept by and remain in the power and custody of the rector, vicar, curate or other officiating minister of each respective parish or chapelry as aforesaid, and shall be by him safely and securely kept in a dry well-painted iron chest, to be provided and repaired as occasion may require, at the expence of the parish or chapelry, and which said chest containing the said books shall be constantly kept locked in some dry, safe and secure place within the usual place of residence of such rector, vicar, curate or other officiating minister, if resident within the parish or chapelry, or in the parish church or chapel; and the said books shall not, nor shall any of them be taken or removed from or out of the said chest, at any time or for any cause whatever, except for the purpose of making such entries therein as aforesaid, or for the inspection of persons desirous to make search therein, or to obtain copies from or out of the same, or to be produced as evidence in some court of law or equity, or to be inspected as to the state and condition thereof, or for some of the purposes of this Act; and that immediately after making such respective entries, or producing the said books respectively for the purposes aforesaid, the said books shall forthwith again be safely and securely deposited in the said chest.

52 GEO. 3, CAP. 160.

AN ACT to enable Justices of the Peace to order Parochial Relief to Prisoners confined under Mesne Process for Debt in such Gaols as are not County Gaols.¹

[29th July, 1812.]

“WHEREAS great distress is suffered by poor persons confined under mesne process for debt in such gaols as are not county

¹ Arrest on mesne process in civil actions, except in certain cases, was abolished by 1 & 2 Vict. c. 110. See also the subsequent Acts on the same subject, 2 & 3 Vict. c. 39; 3 & 4 Vict.

c. 82; 12 & 13 Vict. c. 106; which latter was repealed in part, and other provisions made by 17 & 18 Vict. c. 109. The 52 Geo. 3, c. 160, does not appear to be repealed.

gaols, in consequence of their not receiving any allowance whereon to subsist during the time of such confinement;” May it therefore please your Majesty that it may be enacted; and be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for any one justice of the peace acting for the county, riding or division wherein any gaol (which is not a county gaol) is situated, to order the overseers of the poor of the parish, township or place wherein any such gaol (which is not a county gaol) shall be situated, to relieve any poor person who shall be confined in such gaol under mesne process for debt, and who shall appear to such justice to be unable to support himself or herself, and who shall have applied for relief to such overseers as aforesaid.

Justice to order parochial relief to debtors in gaols not county gaols.

II. Provided always, and be it further enacted, that the sum to be given of any such poor person shall not exceed sixpence per diem, during the time of his or her confinement in such gaol under mesne process for debt.

III. And be it further enacted, that the overseers of the poor of any such parish, township or place to whom any such application for relief shall be made as aforesaid, if they shall doubt whether such poor person is legally settled in such parish, township or place, shall cause him or her to be examined upon oath before one or more justice or justices of the peace, touching his or her last legal settlement, upon which examination it shall be lawful for justices to make an order for the removal of such poor person to the place of his last legal settlement, and to suspend the execution of such order of removal during the time of such person being confined in such gaol under such mesne process, which suspension of the same shall be indorsed on the said order, and signed by such justices, and the subsequent permission to execute the same shall be also indorsed on the said order, and signed by such justices, or by any other two justices of the peace acting for the same county, riding or division.

Legal settlement of debtor ascertained.

Order of removal suspended while debtor imprisoned,

IV. Provided always, and be it enacted, that a copy of the order of removal, and of the order for suspending the execution of the same as aforesaid, shall, as soon as may be after the making thereof respectively, be served upon the overseers of the poor of the parish, township, or place in which such poor person shall by such order of removal be adjudged to be legally settled.

served on overseers of the poor of parish.

V. And be it further enacted, that although such poor person shall not have been actually removed in pursuance of such order of removal as aforesaid, it shall be lawful for any justice of the peace to direct the overseers of the poor of the parish, township or place in which such pauper is adjudged to be settled, to repay to the overseers of the poor of the parish, township or place wherein such gaol shall be situated, all the

Overseers to repay expence attending pauper.

charges proved upon oath of any such overseers of the parish, township or place where the gaol is situated, to have been incurred in granting relief to such pauper during the time of his confinement and the suspension of such order, not exceeding sixpence per diem; and if the overseers of the parish, township or place to which such order of removal shall be made, or any or either of them, shall refuse or neglect to pay any such sum so advanced as aforesaid within twenty-one days after demand thereof, and shall not within the same time give notice of appeal as hereinafter mentioned, it shall be lawful for one justice of the peace, by warrant under his hand and seal, to cause the money so directed to be paid as aforesaid to be levied by distress and sale of the goods and chattels of the person or persons so refusing or neglecting to pay the same, and also such costs attending the same, not exceeding forty shillings, as such justice shall direct; and if the parish, township or place to which the removal was ordered to be made, be without the jurisdiction of the justice of peace issuing the warrant, then such warrant shall be transmitted to any justice of the peace having jurisdiction within such parish, township or place as aforesaid, who upon receipt thereof is hereby authorized and required to indorse the same for execution: Provided nevertheless, that if the sum so ordered to be paid on account of such costs and charges exceed the sum of five pounds, the party or parties aggrieved by such order may appeal to the next general quarter sessions for the county, riding or division in which such gaol is situated, against the same, as they may do against an order for the removal of poor persons by any law now in being; and if the court of quarter sessions shall be of opinion that the sum so awarded be more than of right ought to have been directed to be paid, such court may and is hereby directed to strike out the sum contained in the said order, and insert the sum which in the judgment of the said court ought to be paid, and in every such case the said court of quarter sessions shall direct that the said order so amended shall be carried into execution by the said justices by whom the order was originally made, or either of them, by such other justice or justices as the said court shall direct.

In case of refusal, money advanced levied by distress.

Appeal.

Appeal.

VI. Provided always, and be it further enacted, that it shall be lawful for the overseers of the poor of the parish, township or place wherein such poor person shall, by such order of removal, be adjudged to be legally settled, to appeal against such order to the next general quarter sessions of the peace for the county, riding or division in which such gaol is situated, holden after the service of the copy of such order of removal, in case such copy shall have been served upon such overseers twenty-one days before the holding of such quarter sessions, but in case the same shall not be served twenty-one days before the holding of such next general quarter sessions, then the appeal may be to the next succeeding general quarter sessions holden

for the said county, riding or division, and upon such appeal the like proceedings may be had as are observed in other cases of appeals against orders of removal of poor persons by any law now in being: Provided always, that in case such order of removal and suspension is not appealed against in manner aforesaid, or if upon appeal such order shall be confirmed, such poor person shall be deemed and taken to be legally settled in the parish, township or place in which he shall by such order of removal be adjudged to be legally settled.

VII. And be it further enacted, that in case any poor person applying for relief under the provisions of this Act shall, upon his examination as to his last legal settlement, be found not to be legally settled in any parish, township or place within England and Wales, it shall be lawful for any one justice of the peace to order the overseers of the poor of the parish, township or place wherein the gaol is situated (in which such poor person shall be confined under mesne process for debt) to relieve such poor person with a sum not exceeding sixpence per diem out of the funds in their hands applicable to the relief of the poor, which sum shall be reimbursed to the overseers of the poor of the said parish, township or place, for the use of such funds, out of the county rate, by the treasurer of the county, riding or division in which such parish, township or place shall be situated, at the expiration of the confinement of such poor person upon such mesne process as aforesaid.

In case pauper
no legal settle-
ment in Eng-
land or Wales,
allowance paid
out of county
rate.

57 GEO. 3, CAP. 93.

AN ACT to regulate the Costs of Distresses levied for Payment of Small Rents. [10th July, 1817.]

* * * * *

SCHEDULE of the limitation of costs and charges in distresses for small rents:

	£	s.	d.
Levying distress	0	3	0
Man in possession, per day	0	2	6
Appraisement, whether by one broker or more, sixpence in the pound on the value of the goods.			
Stamp, the lawful amount thereof.			
All expenses of advertisements, if any such	0	10	0
Catalogues, sale, and commission, and delivery of goods, one shilling in the pound on the net produce of the sale. ¹			

¹ See vol. i. pp. 230—233.

7 GEO. 4, CAP. 64.

AN ACT for improving the Administration of Criminal
Justice in England. [26th May, 1826.]

How property
ordered for the
use of the poor
of parishes,
&c., may be
laid.

How ma-
terials, &c., for
repairing
highways may
be laid.

* * * * *

“XVI. And with respect to the property of parishes, townships, and hamlets;” Be it enacted, that in any indictment or information for any felony or misdemeanor committed in, upon or with respect to any workhouse or poorhouse, or on or with respect to any goods or chattels whatsoever, provided for the use of the poor of any parish or parishes, township or townships, hamlet or hamlets, place or places, or to be used in any workhouse or poorhouse in or belonging to the same, or by the master or mistress of such workhouse or poorhouse, or by any workmen or servants employed therein, it shall be sufficient to state any such property to belong to the overseers of the poor for the time being of such parish or parishes, township or townships, hamlet or hamlets, place or places, and it shall not be necessary to specify the names of all or any of such overseers; and in any indictment or information for any felony or misdemeanor committed on or with respect to any materials, tools or implements, provided for making, altering or repairing any highway within any parish, township, hamlet or place, otherwise than by the trustees or commissioners of any turnpike road, it shall be sufficient to aver that any such things are the property of the surveyor or surveyors of the highways for the time being of such parish, township, hamlet or place, and it shall not be necessary to specify the name or names of any such surveyor or surveyors.¹

1 & 2 WILL. 4, CAP. 32.

AN ACT to amend the Laws in England relative to Game.
[5th October, 1831.]

Application of
penalties for
offences
against this
Act.

* * * * *

XXXVII. And be it enacted, that every penalty and forfeiture for any offence against this Act (the application of which has not been already provided for) shall be paid to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township

¹ See 55 Geo. 3, c. 137, s. 1, in vol. i. p. 211.

or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding, or division shall be deemed an incompetent witness in any proceeding under this Act by reason of the application of such penalty or forfeiture to the use of the said general rate as aforesaid.¹

* * * * *

2 WILL. 4, CAP. 45.

AN ACT to amend the Representation of the People in
England and Wales. [7th June, 1832.]

* * * * *

XXX. And be it enacted, that in every city or borough which shall return a member or members to serve in any future Parliament, and in every place sharing in the election for such city or borough, it shall be lawful for any person occupying any house, warehouse, counting-house, shop, or other building, either separately, or jointly with any land occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, in any parish or township in which there shall be a rate for the relief of the poor, to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; and upon such occupier so claiming, and actually paying or tendering the full amount of the rate or rates, if any, then due in respect of such premises, the overseers of the parish or township in which such premises are situate are hereby required to put the name of such occupier upon the rate for the time being; and in case such overseers shall neglect or refuse so to do, such occupier shall nevertheless for the purposes of this Act be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any Act of Parliament the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord; but that in case the tenant who shall have been rated for such

Occupiers
may demand
to be rated.

¹ See 5 & 6 Will. 4, c. 20, s. 21.

premises in consequence of any such claim as aforesaid shall make default in the payment of the poor's rate due in respect thereof, such landlord shall be and remain liable for the payment thereof in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.¹

* * * * *

4 & 5 WILL. 4, CAP. 76. *

AN ACT for the Amendment and better Administration of
the Laws relating to the Poor in England and Wales.
[14th August, 1834.]

* * * * *

III. (*For the words in Section 3 of this Act as printed in Volume I. of this collection of statutes, page, 373, "shall be recovered in evidence," read "shall be received in evidence."*)

* * * * *

XXVI. (*The last paragraph of Section 26 of this Act is repealed as regards the parishes in the town of Cambridge by the local Act, 19 Vict. cap. xvii. s. 36.*)

* * * * *

Advertisements, &c., not
liable to stamp
duty.

LXXXVI. And be it further enacted, that no advertisement inserted in by or under the direction of the said commissioners in the *London Gazette* or any newspaper, for the purpose of carrying into effect any provisions of this Act, nor any mortgage, bond, instrument, or any assignment thereof, given by way of security, in pursuance of the rules, orders, or regulations of the said commissioners, and conformable thereto, nor any contract or agreement, or appointment of any officer, made or entered into in pursuance of such rules, orders, or regulations, and conformable thereto, nor any other instrument made in pursuance of this Act, nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor, or in the management or collection of the poor rate, shall be charged or chargeable with any stamp duty whatever.²

* * * * *

¹ See 5 & 6 Will. 4, c. 76, s. 11; and 11 & 12 Vict. c. 90.

² The exemptions from stamp duty contained in this section are continued by 23 Vict. c. 15, s. 3.

4 & 5 WILL. 4, CAP. 85.

AN ACT to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in England. [15th August, 1834.]

* * * * *

II. And be it further enacted, that every person applying for a licence to sell beer or cider by retail, intending the same to be drank in the house or on the premises, shall, in addition to the application setting forth the particulars required by the said recited Act, annually produce to and deposit with the commissioners of excise, collector, supervisor, or other person authorized to grant such licence within the parish, township, or place in which the person so applying intends to sell beer or cider by retail, a certificate signed by six persons residing in and being and describing themselves to be inhabitants of such parish, township, or place, and respectively rated therein to the poor at not less than six pounds, or occupying a house therein rated to the poor at not less than six pounds, none of whom shall be maltsters, common brewers, or persons licensed to sell spirituous liquors or beer or cider by retail, nor owners or proprietors of any house or houses licensed to sell such liquors or beer or cider by retail, stating that the person applying for the licence is of good character, and that at the foot of such certificate one of the overseers of the parish, township, or place shall certify (if the fact be so) that such six persons are inhabitants respectively rated as aforesaid; and such certificate and licence shall respectively be in the forms of the schedule annexed to this Act: Provided always, that in any parish, township, or district maintaining its own poor in which there are not ten inhabitants rated to the relief of the poor to the amount of six pounds each, or not occupying houses respectively rated to the poor at six pounds each (not being maltsters, common brewers, or persons licensed to sell spirituous liquors or beer or cider by retail), the certificate of the majority of such inhabitants of such parish, township, or district maintaining its own poor, as are rated to the amount of six pounds each, shall be deemed to be a sufficient certificate for the purposes of this Act.¹

III. And be it enacted, that if any overseer of any parish, township, or place shall, after application made to him by or on behalf of the person applying for the licence required by this Act, refuse or neglect to certify, if the fact be so, that the persons who have signed such certificate are inhabitants rated

Every person applying for a licence to sell beer to be drank on the premises to deposit with the commissioners of excise a certificate of good character, signed by six rated inhabitants of the parish, &c., and certified by one of the overseers.

If not ten rated inhabitants in the place the certificate of the majority of them.

Penalty on overseers refusing to certify as required.

¹ See 3 & 4 Vict. c. 61, s. 2.

respectively as aforesaid, he shall forfeit and pay any sum of money not exceeding five pounds, to be recovered before any justice of the peace acting for the county in which such parish, township, or place shall be situate, on complaint of the person by whom the application shall have been made, unless such overseer of the poor shall show to the satisfaction of such justice reasonable cause for such neglect or refusal.

* * * * *

Penalty for making or using false certificates.

Licences obtained on false certificates to be void.

* VIII. And be it further enacted, that if any person shall, in any certificate required by this Act, certify any matter as true, knowing the same to be false, or shall make use of any certificate for the purposes of this Act, knowing such certificate to be forged, or the matters certified therein to be false, every such person shall, on conviction of such offence before two or more justices of the peace, forfeit and pay the sum of twenty pounds; and every licence for the sale of beer or cider by retail which shall be granted to any person who shall have made use of any such certificate in order to obtain the same, such person knowing such certificate to be forged, or the matters certified therein to be false, shall be void to all intents and purposes; and any person who shall have made use of such certificate shall for ever hereafter be disqualified from obtaining a licence to sell beer or cider by retail under the provisions of the said recited Act or this Act.

* * * * *

5 & 6 WILL. 4, CAP. 20.

AN ACT to consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto. [30th July, 1835.]

* * * * *

One moiety of penalties recovered to be paid to the informer, and the other to the overseer or parish officer.

* XXI. 'And whereas by the said last-recited Act¹ certain penalties and forfeitures for offences against the said Act are directed to be paid to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate; and it is expedient to reward the persons who shall prosecute offenders against the said Act; Be it therefore enacted, that from and after the passing of this Act one moiety of all such penalties and forfeitures as by the said last-recited Act are directed to be paid and applied as aforesaid shall go and be paid to the person who shall inform and prosecute for

¹ See 1 & 2 Will. 4, c. 32, ss. 25, 27.

the same, and the other moiety thereof only shall go and be paid to such overseer or officer as aforesaid, and be by him applied in the manner by the said last-recited Act directed; and the form of conviction set forth in the said last-recited Act shall, so far as relates to the distribution of the penalty for which judgment shall be given, be made according to the fact and conformably with the direction given by this Act as to such distribution.¹

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5 & 6 WILL. 4, CAP. 33.

AN ACT for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King William and Queen Mary, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King George the Fourth as to taking Bail in Cases of Felony. [21st August, 1835.]

“WHEREAS it is expedient to prevent prosecutors of indictments and presentments from vexatiously removing the same out of inferior courts into His Majesty's Court of King's Bench:” Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act no writ of certiorari shall issue from the Court of King's Bench at Westminster for removing into that court any indictment or presentment from any court of session, assize, oyer and terminer, or gaol delivery, or any other court, at the instance of the prosecutor or any other person (except His Majesty's attorney-general), without motion first made in the Court of King's Bench, or before some judge of that court, and leave obtained to remove such indictment or presentment, in the same manner as similar motions may now be made and leave given where such application is made on the part of defendants; any law, practice, or usage to the contrary in anywise notwithstanding.²

II. “And whereas it is expedient to extend the powers of an Act passed in the fifth year of the reign of King William the Third and Queen Mary, intituled ‘An Act to prevent Delays of Proceedings at the Quarter Sessions of the Peace:’” Be it

¹ See 1 & 2 Will. 4, c. 32, s. 37.

² See 5 & 6 W. & M. c. 11, s. 3; 8 & 9 Will. 3, c. 33; and 5 Geo. 2, c. 19, ss. 2 & 3.

of certiorari to
remove indictment, &c.
5 & 6 W. & M.
c. 11.

therefore enacted, that instead of the recognizance now by law required to be entered into before the allowance of a writ of certiorari, every person indicted or presented in any court of session, assize, oyer and terminer, gaol delivery or any other court, who shall obtain a writ of certiorari for removing any indictment or presentment whatever into the Court of King's Bench, not being in custody for want of bail to answer such indictment or presentment, shall, before the allowance of such writ, enter into a recognizance before one of His Majesty's justices of the Court of King's Bench, or before a justice of the peace of the county or place in which the offence is charged to have been committed, or in which such person shall reside, in such sum and with such sureties as the said Court of King's Bench, or one of His Majesty's justices of the said court, shall by indorsement on the said writ order and direct; which recognizance shall contain the same conditions as are now by the said Act, and another Act passed in the eighth and ninth year of the reign of King William the Third, intituled "An Act to make perpetual and more effectual an Act, intituled 'An Act to prevent Delays at the Quarter Sessions of the Peace,'" required in cases of indictments removed from the general or quarter sessions of the peace; and thereupon all the clauses and provisions contained in the said several Acts with respect to costs or otherwise shall extend to such last-mentioned recognizances; and every person being in custody for want of bail to answer the charge contained in such indictment or presentment shall be detained in custody until the like recognizances as are hereinbefore directed to be entered into (previous to the allowance of such writ of certiorari) shall have been entered into, or until such person be discharged by due course of law.¹

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6 & 7 WILL. 4, CAP. 105.

AN ACT for the better Administration of Justice in certain
Boroughs. [20th August, 1836.]

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VIII. * * * Provided also that no recorder by virtue of his office shall have power to allow, appertain, make, or levy, or do any act whatsoever with relation to the allowance, apportionment, making, or levying of any rate whatsoever.

¹ See 5 & 6 W. & M. c. 11, s. 3; 8 & 9 Will. 3, c. 33; and 5 Geo. 2, c. 19, ss. 2 & 3.

7 WILL. 4, & 1 VICT. CAP. 68.

AN ACT to provide for Payment of the Expenses of holding Coroners Inquests. [15th July, 1837.]

‘WHEREAS the holding of coroners inquests on dead bodies is attended with divers necessary expenses, for the payment whereof no certain provision is made by law, and such expenses have usually been discharged without any lawful authority for that purpose out of the monies levied for the relief of the poor; and it is expedient to make adequate legal provision for the payment of such expenses:’ Be it therefore enacted, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the justices of the peace for every county, riding, division, or district in England and Wales, in general or quarter sessions assembled, shall, at the general or quarter sessions of the peace to be holden next after the passing of this Act, or at some subsequent general or quarter sessions, and the town council of every borough having a coroner shall at the quarterly meeting of such council which shall be holden next after the passing of this Act, or at some subsequent quarterly meeting thereof, make or cause to be made a schedule of the several fees, allowances, and disbursements which, on the holding of any inquest on any dead body within such county, riding, division, district, or borough, may be lawfully paid and made by the coroner holding such inquest (other than the fees payable to medical witnesses under and by virtue of an Act passed in the last session of parliament, intituled “An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners Inquests”); and it shall be lawful for such justices in general or quarter sessions assembled, and for such town council at any such quarterly meeting as aforesaid, from time to time to alter and vary such schedule as to such justices and town council respectively may seem fit; and the said justices and town council respectively shall cause a copy of every such schedule to be deposited with the clerk of the peace of such county, riding, division, district, or borough, and one other copy thereof to be delivered to every coroner acting in and for such county, riding, division, district, or borough as aforesaid; and whenever any inquest shall be holden on any dead body the coroner holding the same shall immediately after the termination of the proceedings advance and pay all expences reasonably incurred in and about the holding thereof, not exceeding the sums set forth in the said schedule, and which sums so advanced and paid shall be repaid to the said coroner in manner hereinafter mentioned: Provided always, that until

Schedule to be made of fees payable on holding inquests.

6 & 7 Will. 4, c. 89.

such schedule as aforesaid shall have been made, the coroner shall advance and pay, at his discretion, all reasonable expenses of holding every inquest within the limits of his jurisdiction, and shall be repaid the amount thereof, in the same manner as if the sums so paid had been included in a schedule duly made according to the provisions of this Act.

Coroners to
pay medical
witnesses.

II. And be it enacted, that so much of the said Act passed in the last session of parliament as directs the coroner to make out an order on the churchwardens and overseers of the parish in which any death shall have happened for payment of the remuneration or fee payable under the provisions of that Act to any medical practitioner, and as directs such churchwardens and overseers to pay the same out of the funds collected for the relief of the poor of such parish, shall be and the same is hereby repealed, and in lieu thereof the coroner shall, immediately after the termination of the proceedings at any inquest, advance and pay such remuneration or fee to every medical witness summoned under the provisions of the said Act, and the amount thereof shall be repaid to the said coroner in manner hereinafter mentioned.

Coroners of
counties to lay
their accounts
before the
sessions, and
coroners of
boroughs to
lay them
before the
town council.

III. And be it enacted, that every coroner acting in and for any county, riding, division, or district shall, within four months after holding any inquest, cause a full and true account of all sums paid by him under the provisions of this Act, including all sums paid to any medical witness as aforesaid, to be laid before the justices of the peace of such county, riding, division, or district in general or quarter sessions assembled, or at any adjournment thereof; and every coroner of any borough shall, within four months after holding any inquest, cause a full and true account of all sums paid by him under the provisions of this Act, including as aforesaid, to be laid before the town council of such borough; and all such accounts shall be accompanied by such vouchers as under the circumstances may to such justices or council respectively seem reasonable; and such justices or council respectively may, if they shall think fit, examine the said coroner on oath as to such account, and on being satisfied of the correctness thereof such justices or council respectively shall make an order on the treasurer of the said county, riding, division, or district, or of the said borough (as the case may be), for payment to the said coroner not only of the sum due to him on such account, but also of a sum of six shillings and eightpence for every inquest holden by him as aforesaid, over and above all other fees and allowances to which he is now by law entitled; and the treasurer of any county, riding, division, or district on whom any such order shall be made shall, out of the monies in his hands arising from the county rates, and the treasurer of any borough on whom any such order shall be made shall, out of the monies in his hands on account of the borough fund, pay to the said coroner the sum mentioned in such order, without any abate-

The coroner to
be repaid out
of the county
rates or the
borough fund.

ment or deduction whatever; and every such treasurer shall, on passing his accounts, be allowed all sums which he shall pay in pursuance of any such order as aforesaid.

IV. And be it enacted, that this Act and the several provisions herein contained shall extend and be applicable to the city of London and the town and borough of Southwark.

Act applicable to London and Southwark.

V. And be it enacted, that this Act may be altered or repealed by any Act in this present session of parliament.

Act may be altered.

2 & 3 VICT. CAP. 51.¹

AN ACT to regulate the Payment and Assignment in certain cases of Pensions granted for Service in Her Majesty's Army, Navy, Royal Marines, and Ordnance.

[17th August, 1839.]

WHEREAS an Act was passed in the fifty-ninth year of the reign of his late Majesty George the Third, intituled "An Act to amend the Laws for the Relief of the Poor:" And whereas another Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act extending to Scotland certain Provisions of an Act for the Relief of the Poor, in so far as the same relate to Parochial Relief to Chelsea and other Pensioners:" And whereas it is expedient to alter and amend the said Act of the fifty-ninth year of the reign of his late Majesty King George the Third, and to repeal the said Act of the sixth year of the reign of King George the Fourth, and to make other provisions with relation to army, naval, and other pensions: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of January, one thousand eight hundred and forty, so much of the said Act of the fifty-ninth year of the reign of his late Majesty King George the Third as directs or authorizes the assignment of any pension, superannuation, or other allowance granted in respect of service in the navy, royal marines, army, or ordnance for the indemnity or reimbursement of parishes, and as directs or authorizes justices to order payment to parish officers of any such pensions, upon any pensioner or other person entitled thereto leaving his wife or family chargeable to any parish, and also the whole of the said Act of the sixth year of his late Majesty King George the Fourth, shall be and the same are hereby repealed.

59 G. 3, c. 12.

6 G. 4, c. 27.

Part of 59 G. 3, c. 12, and whole of 6 G. 4, c. 27, repealed.

II. And be it enacted, that when relief shall be given to any Guardians

¹ This Act remains in force except as regards Chelsea and Greenwich out-pensioners. See 9 Vict. c. 10, s. 2.

may require the payment of pensions to be made to them for relief given by admission of pensioners into the work-house.

person entitled to or in receipt of any army or naval pension,¹ or any superannuation or other allowance in respect of his service in the army, navy, marines, or ordnance, or any other branch of the military service, or in any civil branch of the army, navy, marines, or ordnance, or to his wife, or to any person whom he may be liable to maintain, by admission of such pensioner, his wife, or person into the workhouse of any union or parish, it shall be lawful for the guardians of such union, by minute, in the form in the schedule to this Act annexed marked (A.) with respect to any pension payable at Chelsea Hospital, or payable out of any funds intrusted to the commissioners of Chelsea Hospital for the payment of pensions, and in the form in the schedule to this Act marked (B.) with respect to any Greenwich out-pensions, and in the form in the schedule to this Act marked (C.) with respect to any other of the before-mentioned pensions, superannuation, or allowance, to require that the next payment which shall become due of such pension or allowance shall be made to such guardians, who shall transmit a copy of such minute, attested by their clerk, at least one month before such payment shall become due, and addressed, as to pensions or allowances payable at Chelsea Hospital, or by the commissioners of the said hospital, to the secretary of Chelsea Hospital, with the words "Chelsea Pension" written thereon, and as to Greenwich out-pensions to the Paymaster General, Out-pension office, Tower-hill, with the words "Greenwich Out-pension" written thereon, and as to all other the before-mentioned pensions to the paymaster general, Whitehall, London; and the commissioners of Chelsea Hospital and Her Majesty's paymaster general respectively shall thereupon, and upon the like proof being given as is hereinafter directed with respect to assignments, cause payment to be made to such guardians; and the said guardians shall thereupon enter upon their minutes the nature and amount of relief actually given to such pensioner, or his wife or other person, and upon application made by the said pensioner to the clerk of the said guardians shall inform the said pensioner of the amount thereof; and the said guardians so receiving any pension or allowance shall retain and apply so much thereof as will repay the cost of relief actually given as aforesaid for the use and indemnity of the union or parish, and shall pay the surplus (if any) to the pensioner or person entitled thereto; and upon the receipt of any such minute as aforesaid the payment of the pension or other allowance mentioned therein shall be suspended until sufficient proof shall have been given to en-

¹ So much of this Act as relates to the repayment of relief administered to Chelsea or Greenwich out-pensioners, was repealed by 9 & 10 Vict. c. 10, s. 2, and further provision made on the subject by that Act. The latter Act was extended by the 10 &

11 Vict. c. 54, and repealed by 19 Vict. c. 15, s. 1, which will be found in the first volume of this collection of statutes. The 2 & 3 Vict. c. 51, so far as it relates to other than Chelsea and Greenwich out-pensioners, is still in force.

title the guardians named in such minute to receive the money thereby required to be paid to them; provided that where such relief shall not be given to the pensioner himself, the said guardians, before transmitting any such minute as aforesaid, shall obtain satisfactory proof that the person to whom such relief shall be given is the lawful wife of the said pensioner, or a person whom such pensioner is by law liable to maintain, which proof shall also be entered upon the minutes of the said board of guardians.

III. And be it enacted, that when any pensioner or person entitled to or in receipt of any pension or other allowance as aforesaid shall apply for temporary relief to the guardians of any union or parish in England or Ireland, or to the churchwardens or overseers of any parish in which the administration of the relief of the poor has not been directed to be governed by a board of guardians, or not situate within any union, so long only as such parish is not governed by such guardians, nor situate within any union, or to the heritors and kirk session in Scotland, or shall receive relief from the said guardians, churchwardens, and overseers, or heritors and kirk session, it shall be lawful for the said guardians, or churchwardens and overseers of the poor, and heritors and kirk session, but not compulsory upon them, to grant such relief in such case, or in the event of any pensioner receiving relief without previous application on his part, and to require the pensioner applying for or receiving the same to assign to them respectively his next quarterly payment of pension or other allowance, to the intent that such guardians, or churchwardens and overseers, or heritors and kirk session respectively, may receive the same, and retain for the use of the said union or parish so much thereof as shall have been by them respectively advanced for the temporary relief of such pensioner, or of his wife or family residing with him in such union or parish; and every assignment to be made of any such pension or other allowance for the purposes and according to the tenor of this Act shall be exempt from stamp duty, and shall, as to any pensions payable at Chelsea Hospital or by the commissioners thereof, be in the form set out in the schedule to this Act marked (D.), and as to Greenwich out-pensions in the form set out in the schedule to this Act marked (E.), and as to all other the before-mentioned pensions and allowances payable by Her Majesty's paymaster general in the form set out in the schedule to this Act marked (EE.); and every assignment shall be certified by the chairman and clerk of the said union at some meeting of the board of guardians, or by a churchwarden or overseer of such parish, or one of the heritors, and shall be attested by one of Her Majesty's justices of the peace; and every such assignment shall be transmitted, within seven days after the same shall have been executed, and at least one month before the payment thereon shall become due, under cover, addressed, as to pen-

Authorizing
assignment of
pension in
certain cases.

sions payable at Chelsea Hospital or by the commissioners of the said hospital, to the secretary of Chelsea Hospital, with the words "Chelsea Pensioner" written thereon, and with respect to naval pensions to the paymaster general, out-pension office, Tower Hill, with the words "Greenwich Out-pension" written thereon, and as to all other the before-mentioned pensions, to the paymaster general, Whitehall, London, who shall thereupon respectively cause the payment thereof to be made to the said guardians of the union or parish, or to the churchwardens and overseers of the poor of the parish, or to the overseers of the poor alone where there are no churchwardens, or heritors and kirk session, for whose security the assignment shall have been made, in the same manner as the said payment would have been made to the person assigning the same if no such assignment had been made; and such guardians or churchwardens and overseers, or heritors and kirk session, are hereby authorized to receive the same, and to retain thereout, for the use of the said union or parish, so much as shall have been advanced and paid on security thereof; and the said guardians, churchwardens and overseers, or heritors and kirk session respectively, shall keep an account in writing of the sum or sums so advanced, and also, immediately upon the receipt of the said pension, shall pay the residue thereof (if any) to the pensioner by whom such assignment shall have been made; and if any question shall arise between the pensioner making any such assignment, and the guardians, or churchwardens and overseers of the poor, or heritors and kirk session, receiving the same, touching the amount which shall be due and payable to them respectively by virtue of any such assignment, the same shall be determined in a summary way by one of Her Majesty's justices of the peace, and his order and determination therein shall be final and conclusive: Provided always, that no such assignment shall entitle the said guardians, or churchwardens and overseers, or heritors and kirk session, to whom the same shall be made, to receive the pension or allowance purporting to be thereby assigned, if the same shall not have been transmitted within seven days after the same shall have been executed, if the party assigning the same shall die before the time when such pension would have become payable to him, as if no such assignment thereof had been made: Provided also, that all assignments not made in conformity with the provisions of this Act shall be null and void.

Authorizing
justices to
make orders
respecting
pensions in
certain cases.

IV. And be it enacted, that when any pensioner or other person entitled to or in receipt of any army, naval, or other pension or allowance as aforesaid shall leave his wife or family in any union or parish, or shall suffer them to become chargeable to any union or parish, it shall be lawful for two or more of Her Majesty's justices of the peace for the county or place in which such union or parish is situate, upon complaint thereof made on oath to them by any one or more of the guardians of

any such union or parish, or any one of the churchwardens and overseers of the poor of such parish where no union or board of guardians is established, or by the relieving officer of such union or parish, or the heritors and kirk session in Scotland, and upon due and satisfactory proof being given to the said magistrates that the person so left is the lawful wife of the said pensioner, or the lawful child (as the case may be), by order under their hands and seals, as to army pensions payable at Chelsea Hospital or by the commissioners thereof in the form set out in the schedule to this Act marked (F.), and as to Greenwich out-pensions in the form set out in the schedule to this Act marked (G.), and as to all other the before-mentioned pensions and allowances payable by Her Majesty's paymaster general in the form set out in the schedule to this Act marked (H.), to direct that one half of the next payment which shall become due of such pension or other allowance, in case it shall be the wife or one child only who shall have been so left or suffered to become chargeable, or two thirds thereof in case a wife and child, whether his own or a stepchild, or two or more children, shall have been left or suffered to become chargeable, shall be made to the guardians of such union or parish, or to the churchwardens and overseers of the poor of the parish, or heritors and kirk session, to which such wife or family shall have become chargeable; and such guardians or churchwardens and overseers of the poor, or heritors and kirk session, shall transmit or cause to be transmitted such order as to such army pensions as aforesaid to the commissioners for the affairs of the Royal Hospital at Chelsea, and with respect to such naval and other pensions as aforesaid to the paymaster general, Whitehall, London, in like manner and within the like period as any assignment is herein-before directed to be transmitted, which said commissioners of Chelsea Hospital and Her Majesty's paymaster general respectively shall thereupon, and upon sufficient proof being given to their satisfaction respectively that the person whose pension shall be directed to be paid shall have been living when the same has become payable, and would have been entitled to receive the same if no such order had been made, cause the said payment of one moiety or two thirds, as the case may be, to be made to the said guardians of the union, or churchwardens and overseers of the poor of the parish, or heritors and kirk session, for whose security such order shall have been made; and the guardians or churchwardens and overseers of the poor, or heritors and kirk session, receiving any such pension by virtue of any such order, shall retain and apply the same, or so much thereof as shall have been actually expended for the purposes aforesaid, for the use and indemnity of the said union or parish, and shall pay the overplus (if any there shall be) to the pensioner or person entitled thereto; and upon the receipt of any such order as aforesaid by which the pension to be mentioned therein shall

be directed to be paid as aforesaid, the payment thereof shall be suspended until sufficient proof, by the personal appearance of the pensioner before the collector of excise, or in such other manner as shall be directed by the lords and other commissioners of Chelsea Hospital, or paymaster general; shall have been given, to entitle the said guardians or churchwardens and overseers of the poor of the parish in such order named, or heritors and kirk session, to receive the money thereby directed to be paid to them; and upon the like proof, the other moiety or one third, as the case may be, of the quarterly payment of the said pension, shall be paid by the commissioners of Chelsea Hospital and Her Majesty's paymaster general respectively to the pensioner entitled thereto, upon his own receipt: Provided that in all cases where it shall be made to appear to the said justices that the woman relieved or to be relieved as the wife of the said pensioner shall be notoriously profligate, or cohabiting with any other person than her said husband, it shall be lawful for the said justices and they are hereby required to refuse making any order with respect to the payment of the said pension.

As to the
pensions of in-
sane pen-
sioners.

V. And be it enacted, that in case any such army pensioner as aforesaid shall become insane, it shall be lawful for any one of Her Majesty's justices of the peace for the county or place in which such pensioner shall reside, upon due proof being made of such insanity, to certify the same to the lords commissioners of Chelsea Hospital, who shall thereupon order and direct, according to their discretion, that the pension of the said insane pensioner shall be paid to the guardians of the union or parish, or churchwardens and overseers of the parish not governed by a board of guardians or comprised in any union, or heritors and kirk session of the place, in which such pensioner shall reside, or to the wife, child, or other person to whom the care of such insane person shall be entrusted, or to the treasurer of the county, if such pensioner shall be confined in a county lunatic asylum, or public asylum, or house licenced for the reception of persons insane; and the receipt of the person to whom the same shall be directed to be paid shall be a sufficient voucher and discharge for so much money as shall appear to have been paid thereon.

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Orders and as-
signments
relating to the
same quarter's
pension to be
paid according
to priority of
dates.

VII. And be it enacted, that if it shall happen that the minute of any board of guardians, and any assignment by the person entitled, and any order of justices relating to the same pension, or any two of such instruments, shall, as to such army pensions, be received at Chelsea Hospital; and as to such Greenwich out-pensions be received at the pension office, Tower Hill, London, or as to any other of such pensions or other allowance as aforesaid be received at the office of the paymaster general at Whitehall, in any one quarter, the commissioners of Chelsea Hospital or Her Majesty's paymaster general respec-

tively shall pay the quarter's pension upon such one of the said respective instruments as shall have been first executed according to the date thereof, and duly transmitted, so as to enable the commissioners and Her Majesty's paymaster general respectively, according to their usual course of forwarding the receipts for quarterly pensions, to confer such priority; and in the event of any such instruments being dated and received the same day, then a proportionate part of the pension to which such instruments relate shall be paid upon every or each of the said instruments.

To prevent
frauds in
assignments.

VIII. And whereas great frauds have been practised, and exorbitant and usurious interest obtained from pensioners, upon assignments made under colour of the said Act of the fifty-ninth year of the reign of his said late Majesty King George the Third, and according to the form set out in the said Act, although the money advanced thereon has not been advanced out of parish funds, nor to reimburse a parish for relief given to the prisoner by the churchwardens and overseers: Be it therefore enacted, that if any person entitled to pension or other allowance shall assign or aid or assist in making an assignment thereof, or of any quarterly or other payment thereof, to any person or persons whatsoever, except to the guardians of any union or parish, or to the churchwardens and overseers of the poor of the parish wherein such pensioner resides, or to the heritors and kirk session of any place in Scotland where such pensioner resides, and except for relief granted out of the funds of such union, parish, or townland to such pensioner or his wife or family residing with him in such parish, it shall be lawful for the lords and others commissioners of Chelsea Hospital, so far as relates to army or other pensions payable by such commissioners, and for the lord high admiral, or commissioners for executing the office of lord high admiral, with respect to naval and marine pensions or other allowance, immediately to take away the pension from the person so offending, or to suspend for any definite period the future payments thereof; and if any person or persons shall procure or induce a pensioner to make or aid or assist him in making any assignment of pension, superannuation, or other allowance as aforesaid, to any person or persons other than the guardians of any union or parish as aforesaid, or the churchwardens and overseers of the parish wherein such pensioner resides, or any heritors and kirk session in Scotland as aforesaid, or shall make or aid or assist in making any assignment which shall not be given by the said pensioner or person entitled to other allowance as aforesaid, and received by the said guardians, parish officers, or heritors and kirk session as a security for relief given or money granted or advanced out of the funds of such union, parish, townland, or place, and for reimbursing the guardians, churchwardens and overseers, or heritors and kirk session advancing the same, or shall receive or accept as payment or security for

money or for goods advanced or agreed to be advanced to or lent or given to any such pensioner or person entitled as aforesaid, or shall demand or charge any interest or pecuniary or other compensation for advancing money upon any pension or other allowance so assigned or taken, or pretended to be assigned or taken, such person or persons shall for every such offence be deemed guilty of a misdemeanor, and shall upon every conviction thereof be punished by such fine or imprisonment, or both, as the court before which such person or persons shall be convicted shall adjudge.

The forging
documents
felony.

IX. And be it enacted, that if any person shall forge or counterfeit or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly and willingly act, aid, or assist in forging, counterfeiting, or altering, any minute, copy of minute, assignment of pension, superannuation, or other allowance as aforesaid, order, certificate, receipt, document, or authority whatsoever relating to or in anywise concerning the claiming or obtaining payment of any pension money or other allowance as aforesaid, or shall utter or publish as true, or knowingly and willingly act, aid or assist in uttering or publishing as true, knowing the same to be forged, counterfeited, or altered, any such minute, copy, assignment, order, certificate, receipt, document, or authority relating to or anywise concerning the claiming or obtaining payment of any pension money or other allowance as aforesaid, or the name of any pensioner, justice of the peace, guardian, parish officer, or other officer, or any other person authorized, or supposed or purporting to be authorized, to sign any such minute, copy, assignment, order, certificate, receipt, document, or authority, with intent or in order to obtain, or to enable any other person to obtain, the payment of any such pension or pension money or other allowance as aforesaid from the commissioners of Chelsea Hospital or Her Majesty's paymaster general respectively, or from any officer, under officer, clerk, or servant of the said commissioners of Chelsea Hospital or of Her Majesty's paymaster general respectively, or from any person authorized or supposed to be authorized to pay any pension or pension money or other allowance as aforesaid, every such person so offending shall be guilty of felony, and shall and may be transported for such term of years, or suffer such other punishment, as the court before which such person or persons shall be convicted shall adjudge.

Definition of
'parish.'

X. And be it enacted, that the term "parish" shall extend, wherever the context shall so require, to all places separately maintaining their own poor.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Minute of Board of Guardians.

THE guardians of the union *or* parish of _____ in the county of _____ do hereby certify to the lords and others commissioners of the Royal Hospital for Soldiers at Chelsea in the county of Middlesex, that _____, an out-pensioner from the _____ regiment of _____ at _____ per diem, was on the _____ day of _____ received into the workhouse at _____ [or that the wife or other relation whom the said _____ is bound to maintain, *as the case may be*], by order of the said guardians; and the said guardians do thereupon, in pursuance of an Act passed in the _____ year of Her Majesty Queen Victoria, intituled [*the title of this Act*], require that the next quarter's pension of the said _____ shall be paid to the said guardians, to be applied pursuant to the provisions of the said Act of Parliament.

Dated _____
 Certified on the _____ day of _____ at a meeting of the board of the said guardians by _____

To the Lords and others
 Commissioners of Chelsea Hospital.

A. B., Chairman.
 C. D., Clerk.

SCHEDULE (B.)

Form of Minute of Board of Guardians.

*THE guardians of the union *or* parish of _____ in the county of _____ do hereby certify to Her Majesty's paymaster general, that _____ a Greenwich out-pensioner, No. _____, at _____ per annum, was on the _____ day of _____ received into the workhouse at _____ [or that the wife or other relation whom the said _____ is bound to maintain, *as the case may be*], by order of the said guardians; and the said guardians do thereupon, in pursuance of an Act passed in the _____ year of Her Majesty Queen Victoria, intituled [*the title of this Act*], require that the next quarter's pension of the said _____ shall be paid to the said guardians, to be applied pursuant to the provisions of the said Act of Parliament.

Dated _____
 Certified on the _____ day of _____ at a meeting of the board of the said guardians by _____

To Her Majesty's Paymaster General,
 Greenwich Out-pension Office, Tower Hill.

A. B., Chairman.
 C. D., Clerk.

SCHEDULE (C.)

Form of Minute of Board of Guardians.

THE guardians of the union or parish of _____ in the
 county of _____ do hereby certify to Her Majesty's
 paymaster general, that
 a person entitled to [*here state whether for pension or allowances in
 civil or military service, not as Chelsea or Greenwich out-pensioner*]
 at _____ per annum, was on the _____ day of _____
 received into the workhouse at _____ [or that
 the wife or other relation whom the said _____ is bound
 to maintain, *as the case may be*], by order of the said guardians;
 and the said guardians do thereupon, in pursuance of an Act
 passed in the _____ year of Her Majesty Queen Victoria,
 intituled [*the title of this Act*], require that the next quarter's
 pension of the said _____ shall be paid to the said
 guardians, to be applied pursuant to the provisions of the said
 Act of Parliament.

Dated _____

Certified on the _____ day of _____ at a meeting
 of the board of the said guardians by _____

A. B., Chairman.
 C. D., Clerk.

To Her Majesty's Paymaster General,
 Whitehall, London.

SCHEDULE (D.)

I [*naming the pensioner, and the regiment from which he was
 discharged*] do hereby assign to the guardians of the union or
 parish of _____ [*or, as the case may be, the church-
 wardens and overseers of the poor of the parish of _____
 or to the heritors and kirk session of _____*], in which
 union [*or parish*] I am now residing, the next payment of my
 pension at the rate of _____ per diem, granted to me as
 and payable from _____ in order to secure
 to the said union [*or parish*] of _____ the repayment of
 the sum of _____ advanced to me by such guardians, [*or
 churchwardens and overseers, or heritors and kirk session, as
 the case may be,*] out of the funds of the said union [*or parish*].
 _____, Pensioner.

Signed by the above-named _____ before me,
 one of Her Majesty's justices of the peace for
 this _____ day of _____

_____, Justice.

We do hereby certify the above assignment to be made pur-
 suant to Act _____ Victoria, cap. _____ intituled [*stating*

the title of this Act], and to be for relief given out of the funds of the said union [*or parish*] on the day of
at a meeting of a board of the said guardians.

A. A., Chairman.

A. B., Clerk.

Or C. D., the Churchwarden, and

D. E., the Overseer of

Or E. F., one of the Heritors, and

F. G., an Elder of

SCHEDULE (E.)

I [*naming the pensioner*] do hereby assign to the guardians of the union *or parish* of [*or, as the case may be,*
the churchwardens and overseers of the poor of the parish of *or to the heritors and kirk session of*],
in which union [*or parish*] I am now residing, the next payment of my Greenwich out-pension at the rate of
per annum, granted to me as and payable from
 in order to secure to the said union [*or parish*]
of the repayment of the sum of
advanced to me by such guardians [*or churchwardens or overseers or*
 heritors and kirk session, *as the case may be,*]
out of the funds of the said union [*or parish*].

 , Pensioner.

Signed by the above-named before
me, one of Her Majesty's justices of the peace for
this day of , Justice.

We do hereby certify the above assignment to be made pursuant to Act Victoria, cap. intituled [*stating the title of this Act*], and to be for relief given out of the funds of the said union [*or parish*] on the day of
at a meeting of the board of the said guardians.

A. A., Chairman.

A. B., Clerk.

Or C. D., the Churchwarden, and

D. E., the Overseer of

Or E. F., one of the Heritors, and

F. G., an Elder of

SCHEDULE (EE.)

I [*naming the person*] do hereby assign to the guardians of the union [*or parish*] of _____ [*or, as the case may be, the churchwardens and overseers of the poor of the parish of _____ or to the heritors and kirk session of _____*], in which union [*or parish*] I am now residing, the next payment of my _____ [*here state whether for pension or allowances in civil or military services, not as Chelsea or Greenwich out-pensioner*] at _____ per annum, and payable from _____ in order to secure to the said union [*or parish*] of _____ the repayment of the sum of _____ advanced to me by such guardians [*or churchwardens or overseers or heritors and kirk session, as the case may be,*] out of the funds of the said union [*or parish*].

_____, Pensioner.

Signed by the above-named _____ before me, one of Her Majesty's justices of the peace for this _____ day of _____.

_____, Justice.

We do hereby certify the above assignment to be made pursuant to Act _____ Victoria, cap. _____ intituled [*stating the title of this Act*], and to be for relief given out of the funds of the said union [*or parish*] on the _____ day of _____ at a meeting of the board of the said guardians.

A. A., Chairman. .

A. B., Clerk.

Or C. D., the Churchwarden, and
D. E., the Overseer of

Or E. F., one of the Heritors, and
F. G., an Elder of

SCHEDULE (F.)

Form of Order to be made in pursuance of _____ Victoria, cap.

County of _____ } To the Right Honourable the Lords and others
 } Commissioners of the Royal Hospital, Chelsea.

WHEREAS complaint upon oath hath been made unto us, two of Her Majesty's justices of the peace acting in and for the said county by the _____ of the union [*or parish*] of _____ in the county aforesaid, that _____ late a soldier in the _____ regiment of _____ but now a pensioner of the Royal Hospital at Chelsea from the said regiment at the rate of _____ per diem, hath

suffered his to become chargeable thereto, and that now maintained by the said union [or parish] at the expense of per week, and due proof having been given to us of the said being the lawful wife [or lawful children] of the said [or that the said is liable to maintain the said as the case may be]:

Now we do hereby, in pursuance of the statute in that case made and provided, order and direct, that [one moiety, or two-thirds, as the case may be,] of the next payment which shall become due of such pension shall be paid by the said commissioners to the guardians [or churchwardens and overseers, or heritors and kirk session, as the case may be,] of the said union [or parish] of , in order that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the use and indemnity of the said union [or parish], paying the overplus (if any) to the pensioner or person entitled thereto.

Given under our hands and seals, this day of in the year of our Lord one thousand eight hundred and at in the county aforesaid.

SCHEDULE (G.)

Form of Order to be made in pursuance of Victoria, cap.

County of } To Her Majesty's Paymaster General.

WHEREAS complaint upon oath hath been made unto us, two of Her Majesty's justices of the peace acting in and for the said county, by the of the union [or parish] of , in the county aforesaid, that a Greenwich out-pensioner, No. , at the rate of per annum, hath suffered his to become chargeable thereto, and that now maintained by the said union [or parish] at the expense of per week, and due proof having been given to us of the said being the lawful wife [or lawful children] of the said [or that the said is liable to maintain the said as the case may be]:

Now we do hereby, in pursuance of the statute in that case made and provided, order and direct, that [one moiety, or two-thirds, as the case may be,] of the next payment which shall become due of such pension shall be paid by her Majesty's paymaster general to the guardians [or churchwardens and overseers, or heritors and kirk session, as the case may be,] of the said union [or parish] of , in order that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the use and

Given under our hands and seals, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, at _____ in the said county of _____

Form of Order to be made in pursuance of *Victoria, cap.*

WHEREAS complaint upon oath hath been made unto us, two of Her Majesty's justices of the peace acting in and for the said county, by _____, of the union [or parish] of _____, in the county aforesaid, that _____ a person entitled to [here state whether for pension or allowances in civil or military service, not as Chelsea or Greenwich out-pensioner], at the rate of _____ per annum, hath suffered his _____ to become chargeable thereto, and that the said _____ is [or are] now maintained by the said union, [or parish] at the expense of _____ per week, and due proof having been given to us of the said _____ being the lawful wife [or lawful children] of the said _____, or that the said _____ is liable to maintain the said _____ (as the case may be):

Given under our hands and seals, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____, at _____, in the said county of _____

2 & 3 VICT. CAP. 62.

AN ACT to explain and amend the Acts for the Commutation of the Tithes in England and Wales.

[17th August, 1839.]

* * * * *

III. And be it enacted, that the assessor or collector of any rate or tax shall, within forty days after the receipt of a notice in writing signed by any landowner or titheowner interested therein, specify in his assessment made for the purpose of collecting and levying such rate or tax the names of the several occupiers of tithes, lands, and tenements subject to such rate or tax, as well as the sum assessed on the tithes, lands, or tenements held by each such occupier.

Name of each occupier, &c. to be specified by assessor, on notice from owner.

* * * * *

3 & 4 VICT. CAP. 61.

AN ACT to amend the Acts relating to the general Sale of Beer and Cider by Retail in England.

[7th August, 1840.]

* * * * *

II. And be it enacted, that every person who shall apply to be licensed to retail beer or cider shall produce to the proper officer of excise authorized to grant such licences, a certificate in writing from an overseer of the township, parish, or place in which he shall reside, certifying that such applicant is the real resident, holder, and occupier of the said house, and also certifying the true rent or annual value at which such house, with the premises occupied therewith, is rated in one rating to the poor rates, according to the last sum or rate made and allowed in such township, parish, or place for the relief of the poor; and every such certificate shall be deposited and left with the proper officer of excise by whom such licence shall be granted; and a duplicate thereof shall be deposited and left with the clerk of the peace for the county, riding, or city within which such township, parish, or place is situate.¹

Person applying to be licensed to produce a certificate of his being the real resident occupier of the house, and of the amount at which it is rated.

* * * * *

¹ See 4 & 5 Will. 4, c. 85, s. 2, *ante*, page xxv.; and 24 & 25 Vict. c. 21 s. 3, page 77.

5 & 6 VICT. CAP. 109.

AN ACT for the Appointment and Payment of Parish Constables. [12th August, 1842.]

* * * * *

Provision in
case of
vacancy.

XVI. And be it enacted, that in case of the death or disqualification of any constable during his year of office, of which the overseers shall forthwith give notice to a justice of the peace usually acting for the division, or in case any person who shall have been chosen constable shall refuse or neglect as aforesaid to attend and be sworn, or to find a qualified substitute to be sworn in his stead, and shall have been fined for such refusal or neglect, the person who has last served, and shall not then be disqualified or exempt, shall be bound to act in his stead until another constable shall be appointed and sworn to act for the remainder of the year, which shall be done at the next petty session of the peace for the division, of which notice shall be given to all the justices usually acting for the division; and in case the constable making the vacancy was serving as substitute for some other person, the justices shall summon the person originally chosen to attend and be sworn, or to find another substitute duly qualified to serve for the remainder of the year; or if the person originally chosen shall be then disqualified, or shall have refused or neglected as aforesaid to attend and be sworn, or to find a substitute, or if the constable making the vacancy was serving after having been chosen, and not as a substitute, the justices at such session shall choose another qualified person out of the allowed list then in force, to serve the office of constable during the remainder of the year, and shall proceed in all respects as in the original appointment of constables for that year, and the person so chosen shall be bound in like manner, and subject to the same penalty, to attend and be sworn, or to find a substitute to be sworn in his stead to serve for the remainder of the year; and if less than two hundred days shall have elapsed since the first appointment of constables for that year, but not otherwise, the service of the person appointed to act for the remainder of the year shall be reckoned to him as service for that year.

* * * * *

7 & 8 VICT. CAP. 101.

AN ACT for the further amendment of the Laws relating
to the Poor in England. [9th August, 1844.]

XXII. (*For the twenty-second section of the 7 & 8 Vict. c. 101, as printed in Vol. I. page 581, read*): "And be it enacted, that after the passing of this Act it shall not be lawful to appoint separate overseers for any township or village or other place for which, before the passing of this Act, separate overseers had not been lawfully appointed."¹

8 & 9 VICT. CAP. 20.

AN ACT for consolidating in one Act certain Provisions
usually inserted in Acts authorizing the making of
Railways. [8th May, 1845.]

* * * * *

CVII. And be it enacted, that the company shall every year Annual ac-
cause an annual account in abstract to be prepared, showing the count to be
total receipts and expenditure of all funds levied by virtue of made up, and
this or the special Act for the year ending on the thirty-first a copy trans-
day of December or some other convenient day in each year, mitted to the
under the several distinct heads of receipt and expenditure, clerk of the
with a statement of the balance of such account duly audited, peace, &c.
and certified by the directors or some of them, and by the audi-
tors, and shall, if required, transmit a copy of the said account,
free of charge, to the overseers of the poor of the several
parishes through which the railway shall pass, and also to the
clerks of the peace of the counties through which the railway
shall pass, on or before the thirty-first day of January then
next; which last-mentioned account shall be open to the in-
spection of the public at all seasonable hours, on payment of
the sum of one shilling for every such inspection: Provided
always, that if the said company shall omit to prepare or trans-
mit such account as aforesaid, if required so to do by any such
clerk of the peace or overseers of the poor, they shall forfeit
for every such omission the sum of twenty pounds.

* * * * *

¹ But see 20 Vict. c. 19, s. 1, *ante*.

10 & 11 VICT. CAP. 34.

AN ACT for consolidating in one Act certain Provisions usually contained in Acts for paving, draining, cleansing, lighting, and improving Towns.

[21st June, 1847.]

Poor rate to be open to inspection by commissioners.

CLXXXVIII. The commissioners, or any person by them authorized, may from time to time inspect any of the rates for the relief of the poor in any parish, township, or other district within the limits of the special Act, and the books in which are contained all the assessments by which the same are made, and may take copies thereof or extracts therefrom respectively; and any person having the custody of such rates or assessments who does not suffer the commissioners, or any person authorized by them, to inspect the same at reasonable times, or to take copies thereof or extracts therefrom, shall be liable to a penalty not exceeding five pounds for every such offence.

11 & 12 VICT. CAP. 42.

AN ACT to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with Indictable Offences.

[14th August, 1848.]

Regulations for conveying prisoners to gaol.

XXVI. And be it enacted, that the constable or any of the constables or other persons to whom the said warrant of commitment shall be directed shall convey such accused person therein named or described to the gaol or other prison mentioned in such warrant, and there deliver him, together with such warrant, to the gaoler, keeper, or governor of such gaol or prison, who shall thereupon give such constable or other person so delivering such prisoner into his custody a receipt (T. 2), for such prisoner, setting forth the state and condition in which such prisoner was when he was delivered into the custody of such gaoler, keeper, or governor; and in all cases where such constable or other person shall be entitled to his costs or expenses for conveying such person to such prison as aforesaid it shall be lawful for the justice or justices who shall have committed the accused party, or for any justice of the peace in and for the said county, riding, division, or other place of exclusive

As to payment of costs of conveying prisoners to prison.

jurisdiction wherein the offence is alleged in the said warrant to have been committed, to ascertain the sum which ought to be paid to such constable or other person for conveying such prisoner to such gaol or prison, and also the sum which should reasonably be allowed him for his expenses in returning, and thereupon such justice shall make an order (T. 2) upon the treasurer of such county, riding, division, liberty, or place of exclusive jurisdiction, or if such place of exclusive jurisdiction shall be contributory to the county rate of any county, riding, or division, then upon the treasurer of such county, riding, or division respectively, or, in the county of Middlesex, upon the overseers of the poor of the parish or place within which the offence is alleged to have been committed, for payment to such constable or other person of the sums so ascertained to be payable to him in that behalf; and the said treasurer or overseers, upon such order being produced to him or them respectively, shall pay the amount thereof to such constable or other person producing the same, or to any person who shall present the same to him or them for payment: Provided, nevertheless, that if it shall appear to the justice or justices by whom any such warrant of commitment against such prisoner shall be granted as aforesaid that such prisoner hath money sufficient to pay the expenses, or some part thereof, of conveying him to such gaol or prison, it shall be lawful for such justice or justices, in his or their discretion, to order such money or a sufficient part thereof to be applied to such purpose.

* * * * *

11 & 12 VICT. CAP. 90.

AN ACT to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors.

[31st August, 1848.]

WHEREAS it is expedient to make further regulation as to the payment of rates and taxes now necessary to be made in order to qualify persons to be registered as voters in the election of members of parliament: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that after the first day of January, one thousand eight hundred and forty-nine, no person shall be required, in order to entitle him to have his name inserted in any list of voters for any city, town, or borough in England, to have paid any poor's rates or assessed taxes, except such as shall have become payable from him previously to the fifth day of January in the same year;

Time at which rates and taxes must be paid to entitle parties to be on the list of voters for members of parliament.

and that no person shall be entitled to be on any such list of voters, unless the poor's rates and assessed taxes payable from him previously to the fifth day of January shall be paid on or before the twentieth day of July next following.¹

12 & 13 VICT. CAP. 65.

AN ACT to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates. [28th July, 1849.]

The overseers of parishes situated partly within boroughs and partly without to collect the county rates, county police rates, and district police rates leviable on the part of the parish not comprised within the borough.

“WHEREAS there are several parishes and places in England and Wales parts of which are comprised in boroughs not subject to contribute to the county rate or county or district police rate, while the parts out of the borough are liable to contribute thereto: And whereas there are several parishes parts of which are comprised in boroughs which are subject to district, borough, and other rates, while the parts out of the borough are not liable to contribute thereto:” Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that where any parish or place separately maintaining its own poor shall be divided in manner hereinbefore stated, and any county rate, or county or district police rate, or other rate which may by law be raised in like manner as a county rate, shall be assessable upon the part of the parish or place which is comprised within the county and excluded from the borough, the overseers of such parish or place shall, on receipt of any precept or other lawful demand from the justices of the county, or other due authority in that behalf, demanding the payment of any sum of money as the contribution of the part of such parish or place out of the borough towards any such rate as aforesaid, with all convenient speed assess the sum so required upon the persons liable within such part of the parish or place to pay the poor rate therein, by means of a separate rate, to be made, allowed, and published in like manner as the poor rate, and either by themselves or by the collector of poor rates for the time being appointed for the said parish or place shall collect the same separately or with the poor rate payable by the parties assessed thereto, and for the purposes of assessing and collecting the same shall have all such powers, authorities, privileges, protections, and incidents as belong to them in the assessing and collection of the poor rate; and all provisions of the law for enforcing the collection of the poor rate, and re-

¹ See 2 Will. 4, c. 45, s. 30; and 5 & 6 Will. 4, c. 76, s. 11.

covering the costs of the proceedings therein, shall be applicable to the collection of the rate or rates herein provided for.¹

II. And be it enacted, that in every case in which any such parish or place shall be partly within and partly without any borough, the overseers or other persons charged with the collection of the rates made for the relief of the poor in such parish or place, upon the receipt of any warrant from the mayor, or any justice or justices of the peace, high constable, or other officer duly authorized to act in that behalf within the borough, for the payment of money for the contribution of the part of such parish within such borough towards any district, borough, or other rate (which warrants every such mayor, justice of the peace, high constable, and other officer shall be severally empowered to direct to them in like manner as if the whole of such parish or place were within their borough), shall assess upon and levy from the inhabitants and occupiers of all messuages, lands, tenements, and hereditaments liable to the poor rates in that part of their parish or place which is within the borough, the amount mentioned in the warrant, either as a separate rate or rates, for which the said overseers shall have all the powers which belong to them for levying a rate for the relief of the poor, or with and as part of the poor rate to which the inhabitants and occupiers of property within that part of the parish or place may be liable in common with the inhabitants and occupiers of property within the other part thereof which is not within the borough, and out of the monies so levied and collected shall pay the amount mentioned in the warrant to the person duly authorized to receive the same, and in default thereof shall be subject to all the provisions and penalties provided by this Act, or any Act concerning the non-payment of any borough rate.²

III. And be it enacted, that any person assessed to any rate made under the authority of this Act may appeal against the same in like manner, and with the like consequences in all respects, and subject to the same provisions and regulations, as in appeals against the poor rate; and that every overseer and collector shall account for the money levied, collected, and expended under the authority of this Act, to the auditor of the district comprising such parish or place, in like manner as for the poor rate, and if any balance be found to be in his hands shall apply the same towards the next rate required for the purpose of this Act, or shall pay the same to his successor in office; and in default of his so applying the same while in office, or making payment to his successor within seven days after the balance shall have been found, such auditor shall proceed to recover the same from the person holding the same, in like manner as sums certified by him to be due from persons accounting shall from time to time be recoverable, and he shall

Similar provision for the collection of the borough rate in places similarly situated.

Appeal against the rate, and audit of the accounts.

¹ This Act is repealed by 15 & 16 Vict. c. 81, s. 1, as regards the county rate.

² See 13 & 14 Vict. c. 101, s. 1C.

be paid his costs and expenses, when not recovered from the defendant, by the then overseers of the parish or place, who shall be reimbursed out of the balance of such rate, or, if need be, out of the next rate.

Mode of procuring the funds when the precept is sent to the guardians of the union comprising the divided place.
7 & 8 Vict. c. 33.

IV. And be it enacted, that where a precept shall be issued to the guardians of the union comprising any such parish or place, under the provisions of the Act passed in the eighth year of the reign of Her Majesty, intituled "An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties," and such precept shall contain a sum to be assessed and charged in respect of any such rate as is herein provided for upon a part of such parish or place as aforesaid, the said guardians may require the overseers of such parish or place to pay to their treasurer a sum of money sufficient to enable the said guardians to pay the sum so assessed, with the other sums mentioned in the said precept, to the treasurer of the county or other person lawfully authorized to receive it; and the said overseers shall pay the amount out of any monies in their possession belonging to the parish or place, or to the part of such parish or place respectively, and reimburse themselves, if necessary, by a rate, to be levied as hereinbefore described, upon the persons liable thereto, or if they have no such moneys shall forthwith proceed to levy and collect the requisite amount by such rate, and pay the same over to the treasurer of the said guardians: Provided, nevertheless, that if such overseers make default and do not make the requisite payment within the appointed time, they shall be subject to be proceeded against in like manner as the overseers of a parish wholly situated within the county are subjected to under the provisions of the said Act.

Where the amount required for the county or other rate is small, the making of the rate for reimbursement may be postponed.

V. And be it enacted, that where the amount required in respect of any such county rate, police or district police rate, from any part of such parish or place as aforesaid, shall in the judgment of such overseers be so small as to render the levying and collecting of a separate rate for it inconvenient, the overseers may postpone the reimbursement of themselves for any such advance as aforesaid, and they or their successors may afterwards, on the recurrence of the next precept or other lawful demand, or of that next but one, levy and collect such a rate as aforesaid to raise the whole amount so previously advanced and unsatisfied out of the poor rates of the parish, as well as the amount required by the then precept or demand, and shall apply the sum so collected in reimbursement of the previous payments, and the satisfaction of such precept or demand, and shall apply the balance, if any, towards the discharge of the next precept or demand.

Repeal of certain part of 1 Vict. c. 81.

VI. And be it enacted, that from the twenty-ninth day of September, one thousand eight hundred and forty-nine, so much of the Act passed in the first year of Her Majesty, intituled

“An Act to provide for the levying of Rates in Boroughs and Towns having Municipal Corporations in England and Wales,” as applies to the making, levying, and collecting the county rate and borough rate in divided parishes or places, shall, except in respect of rates before that time made, levied, or collected, or of any arrears of rates in course of being collected, be repealed, and all balances which may remain over the sums required by the precepts under which the rate was levied shall be applicable towards the discharge of the next county rate or borough rate assessed upon such divided parish or place, and if not so applied by the party holding the same shall be recoverable by the person entitled to receive the same, on complaint before two justices of the peace of the county having jurisdiction in that part of the parish or place, who shall make an order for the payment of the sum due, to be enforced in like manner and with the like consequences as orders of justices for the payment of money shall be then by law enforceable.

VII. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this session of parliament. Act may be amended, &c.

14 & 15 VICT. CAP. 36.

AN ACT to repeal the Duties payable on Dwelling Houses according to the number of Windows or Lights, and to grant in lieu thereof other duties on inhabited houses according to their Annual Value. [24th July, 1851.]

* * * * *

II. * * * Excepting always out of this enactment any provisions for or in relation to compositions for the said duties set forth in the said schedule marked (B), the exemption in Case II. of exemptions contained in the same schedule.¹ Except as herein provided.

* * * * *

15 & 16 VICT. CAP. 85.

AN ACT to amend the Laws concerning the Burial of the Dead in the Metropolis. [1st July, 1852.]

* * * * *

XX. Provided always, that it shall be lawful for the board, with the sanction of the vestry and the approval of the commissioners of Her Majesty's Treasury, to borrow any money required for providing and laying out any burial-ground under this Act, and building a chapel or chapels thereon, or any of Power to borrow money, with sanction of vestry, and approval of Treasury.

¹ See 48 Geo. 3, c. 55, Sch. B. *ante*, p. xvii.

such purposes, and to charge the future poor rates of the parish with the payment of such money and interest thereon; provided that there shall be paid in every year, in addition to the interest of the money borrowed and unpaid, not less than one twentieth of the principal sum borrowed, until the whole is discharged.¹

* * * * *

16 & 17 VICT. CAP. 36.

AN ACT for disafforesting the Forest of Whichwood.
[8th July, 1853.]

* * * * *

After disafforestation the forest to be a parish. XIV. The said forest, after the disafforestation thereof, shall be a parish, and called and known by the name of Whichwood parish, and shall have parish officers, and maintain its poor and roads, and do and provide all such other things as by the laws of England parishes are bound to do and provide.²

* * * * *

16 & 17 VICT. CAP. 79.

AN ACT for making sundry Provisions with respect to
Municipal Corporations in England.
[15th August, 1853.]

* * * * *

As to matters required to be done by overseers under 5 & 6 W. 4. c. 76. XIV. Every matter by that Act of the sixth year of William the Fourth, or by any Act amending the same, directed to be done by the overseers of the poor of any parish, township, or place, may be lawfully done by the major part of such overseers; and whenever any notice is by that Act, or any Act amending the same, required to be given to the overseers of the poor of any parish, township, or place, such notice may be delivered to any one of such overseers, or may be left at his place of abode, or at his office for transacting parochial business.

* * * * *

16 & 17 VICT. CAP. 119.

AN ACT for the Suppression of Betting Houses.
[20th August, 1853.]

* * * * *

Application of penalties. IX. One half of every pecuniary penalty which shall be adjudged to be paid under this Act shall be paid to the informer, and the remaining half shall be applied in aid of the

¹ See 20 & 21 Vict. c. 81, s. 20, *ante*, p. 20.

² See 19 & 20 Vict. c. 32, s. 5, *post*, p. lxxxiii.

poor rate of the parish in which the offence shall have been committed, and shall be paid for that purpose to the overseer or other person authorized to receive poor rates in such parish, or if the place wherein the offence shall have been committed shall be extra-parochial,¹ then the justices by whom such penalty shall be adjudged to be paid shall direct such remaining half thereof to be applied in aid of the poor rate of such extra-parochial place, or, if there shall not be any poor rate therein, in aid of the poor rate of any adjoining parish or district.

* * * * *

16 & 17 VICT. CAP. 134.

AN ACT to amend the Laws concerning the Burial of the Dead in England beyond the limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis. [20th August, 1853.]

* * * * *

VII. All the provisions contained in the said Act of the last session of Parliament, chapter eighty-five, "to Amend the Laws concerning the Burial of the Dead in the Metropolis," from section ten to section forty-two (both inclusive) of the said Act, and also in sections forty-four, fifty, fifty-one, and fifty-two of the said Act, shall extend and be applicable to and in respect of any parish not in the metropolis, and for the purpose of providing a burial ground for any such parish, or otherwise providing for the interment of the bodies of persons who would have had right of interment in the burial ground of any such parish, and generally in relation to every such burial ground to be so provided, and the fees and payments to be received in respect of interment or other rights therein and otherwise, as if such sections were re-enacted in this Act, and the words "in the metropolis," wherever they occur in such sections, or any of them, were omitted; and section forty-nine of the said Act shall extend to all cemeteries already established and hereafter to be established under the authority of parliament in like manner as to those mentioned in Schedule (B.) to that Act, and as respects the cemeteries to which such section is hereby extended, the same shall also apply in respect of burials at the expense of any hospital or infirmary in like manner as to burials at the expense of a union or parish: Provided always, that in all cases in which any burial board shall provide a new burial ground under the said Act of the last session of parliament or under this Act, that new burial ground shall be divided into consecrated and unconsecrated parts in such proportions, and the unconsecrated part thereof shall be allotted in such manner and in such portions as may be sanctioned by one of Her Majesty's

Certain provisions of Metropolitan Burial Act, 15 & 16 Vict. c. 85, extended to parishes, &c. not in the metropolis.

Any burial board building a chapel for burials according to the rites of the Church of England also to build a chapel for per-

¹ See 20 Vict. c. 19, s. 1, *ante*, p. 1.

sons not being
members of
the Church of
England.

principal secretaries of state; and when any burial board shall by virtue of section thirty of the said Act build on any burial ground provided by such board a chapel for the performance of the burial service according to the rites of the United Church of England and Ireland, they shall also build, on the portion of such ground set apart for burials otherwise than according to the rites of the said church, such chapel accommodation for the performance of burial service by persons not being members of the said church as may be approved of by one of Her Majesty's secretaries of state.¹

* * * * *

17 & 18 VICT. CAP. 38.

AN ACT for the Suppression of Gaming Houses.

[24th July, 1854.]

* * * * *

Applications
of penalties.

VIII. One half of any pecuniary penalty which shall be adjudged to be paid under this Act shall be paid to the person laying the information upon which the conviction takes place, and the remaining half shall be applied in aid of the poor rate of the parish in which the offence shall have been committed, and shall be paid for that purpose to the overseer or other person authorized to receive poor rates in such parish, or if the place wherein the offence shall have been committed shall be extra-parochial,² then the justices by whom such penalty shall be adjudged to be paid shall direct such remaining half thereof to be applied in aid of the poor rate of such extra-parochial place, or if there shall not be any poor rate therein, in aid of the poor rate of any adjoining poor rate or district.

* * * * *

17 & 18 VICT. CAP. 87.

AN ACT to make further Provision for the Burial of the Dead in England beyond the Limits of the Metropolis.

[10th August, 1854.]

* * * * *

Burial ground
to be deemed
to be for the
parishes in the
borough.

VII. The burial ground or burial grounds provided for any borough under this Act shall be deemed to be provided for such parish or parishes wholly or in part situate in such borough as the town council shall determine.

* * * * *

¹ See 15 & 16 Vict. c. 85, s. 49.

² See 20 Vict. c. 19, s. 1, *ante*, p. 1

17 & 18 VICT. CAP. 104.

AN ACT to amend and consolidate the Acts relating to
Merchant Shipping. [10th August, 1854.]

* * * * *

CCCCXXX. All lighthouses, buoys, beacons, and light dues, Property used and all other rates, fees, or payments accruing to or forming for the purposes of part of the said fund, and all premises or property belonging to Parts III. and VI. of Act to or occupied by any of the said general lighthouse authorities be exempt from all rates and payments are received, and all instruments, or writings and taxes. used by or under the direction of any of the said general lighthouse authorities or the board of trade in carrying on the said services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind.

* * * * *

DXXII. Service of any summons or other matter in any Service to be legal proceeding under this Act shall be good service, if made good if made personally on the person to be served, or at his last place of personally, or abode, or if made by leaving such summons for him on board on board ship. any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

* * * * *

17 & 18 VICT. CAP. 105.

AN ACT to amend the Laws relating to the Militia in
England and Wales. [11th August, 1854.]

* * * * *

II. * * * and no place provided for the keeping of Storehouses to militia stores under this or the recited Acts, nor any build- be exempt ings or premises appurtenant thereto, shall be liable to be from local assessed to any county, borough, parochial or other local rates rates. or assessments. * * *

* * * * *

18 & 19 VICT. CAP. 70.

An ACT for further promoting the Establishment of Free
Public Libraries and Museums in Municipal Towns, and
for extending it to Towns governed under Local Im-
provement Acts, and to Parishes. [30th July, 1855.]

* * * * *

XII. The commissioners shall keep distinct and regular Distinct

accounts to be
kept by com-
missioners,
and duly
audited.

accounts of their receipts, payments, credits, and liabilities with reference to the execution of this Act, which accounts shall be audited yearly by the poor law auditor, if the accounts of poor rate expenditure of the parish be audited by a poor law auditor, but if not so audited, then by two auditors not being commissioners, who shall be yearly appointed by the vestry, and the auditor or auditors shall report thereon, and such report shall be laid before the vestry by the commissioners.

* * * * *

18 & 19 VICT. CAP. 116.¹

AN ACT for the better Prevention of Diseases.

[14th August, 1855.]

‘WHEREAS the provisions of “The Nuisances Removal and Diseases Prevention Act, 1848,” amended by “The Nuisances Removal and Diseases Prevention Amendment Act, 1849,” in so far as the same relate to the prevention or mitigation of epidemic, endemic, or contagious diseases, are defective, and it is expedient to substitute other provisions more effectual in that behalf:’ Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Short title.

I. This Act may be cited for all purposes as the “Diseases Prevention Act, 1855.”

* * * * *

Power of
entry.

IV. The local authority and their officers shall have power of entry for the purposes of this Act, and for executing or superintending the execution of the regulations and directions of the general board, issued under this Act.

Power to privy
council to issue
orders that
provisions
herein con-
tained for pre-
vention of dis-
eases may be
put in force.

V. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious disease, the lords and others of her Majesty’s most honourable privy council, or any three or more of them (the lord president of the council or one of her Majesty’s principal secretaries of state being one), may, by order or orders to be by them from time to time made, direct that the provisions herein contained for the prevention of diseases be put in force in England, or in such parts thereof as in such order or orders respectively may be expressed, and may from time to time, as to all or any of the parts to which any such order or orders extend, and in like manner, revoke or renew any such order; and, subject

¹ See 23 & 24 Vict. c. 77, s. 10, *ante*, p. 68.

to revocation and renewal as aforesaid, every such order shall be in force for six calendar months, or for such shorter period as in such order shall be expressed; and every such order of her Majesty's privy council, or of any members thereof, as aforesaid, shall be certified under the hand of the clerk in ordinary of her Majesty's privy council, and shall be published in the *London Gazette*; and such publication shall be conclusive evidence of such order, to all intents and purposes.

VI. From time to time after the issuing of any such order as aforesaid, and whilst the same continues in force, the general board of health¹ may issue directions and regulations, as the said board think fit—

For the speedy interment of the dead :

For house to house visitation :

For the dispensing of medicines, guarding against the spread of disease, and affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases, such medical aid and such accommodation as may be required :

And from time to time, in like manner, may revoke, renew, and alter any such directions and regulations as to the said board appears expedient, to extend to all parts in which the provisions of this Act for the prevention of disease shall for the time being be put in force under such orders as aforesaid, unless such directions and regulations be expressly confined to some of such parts, and then to such parts as therein are specified; and (subject to the power of revocation and alteration herein contained) such directions and regulations shall continue in force so long as the said provisions of this Act shall, under such order, be applicable to the same parts.

VII. Every such direction and regulation as aforesaid, when issued, shall be published in the *London Gazette*, and the *Gazette* in which such direction or regulation was published shall be conclusive evidence of the direction or regulation so published, to all intents and purposes.

VIII. The local authority shall superintend and see to the execution of such directions and regulations, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things, as may be necessary for mitigating such disease, or for superintending or aiding in the execution of such directions and regulations, or for executing the same, as the case may require.

IX. The local authority may from time to time direct any prosecutions or legal proceedings for or in respect of the wilful violation or neglect of any such direction and regulation.

X. Every order of her Majesty's privy council, and every direction and regulation of the general board of health, under this Act, shall be laid before both houses of parliament, forth-

Power to
general board
of health to
issue regula-
tions to carry
out such pro-
visions.

Local extent
and duration
of regulations
of general
board.

Publication of
such regula-
tions.

The local au-
thority to see
to the execu-
tion of such
regulations,
&c. ;

and may direct
prosecutions
for violating
the same.

Orders of
council, di-
rections, and

¹ See 21 & 22 Vict. c. 97, s. 1, in *Glen's Law of Public Health and Local Government*, 2nd Edition, p. 712, and *ante*, p. 31.

regulations to be laid before parliament. with upon the issuing thereof, if parliament be then sitting, and if not then within fourteen days next after the commencement of the then next session of parliament.

Order in council may extend to parts and arms of the sea.

XI. Orders in council issued in pursuance of this Act for putting in force the provisions for the prevention of disease in the said Nuisances Removal and Diseases Prevention Acts contained, in Great Britain, may extend to parts and arms of the sea lying within the jurisdiction of the Admiralty; and the board of health for England may issue under this Act directions and regulations for cleansing, purifying, ventilating, and disinfecting, and providing medical aid and accommodation, and preventing disease in ships and vessels, as well upon arms and parts of the sea aforesaid, as upon inland waters.

Medical officer of unions and others entitled to costs of attending sick on board vessels, when required by orders of general board of health.

XII. Whenever, in compliance with any regulation of the general board of health,¹ which they may be empowered to make under this Act, any medical officer appointed under and by virtue of the laws for the time being for the relief of the poor shall perform any medical service on board of any vessel, such medical officer shall be entitled to charge extra for any such service, at the general rate of his allowance for his services for the union or place for which he is appointed, and such charges shall be payable by the captain of the vessel, on behalf of the owners, together with any reasonable expenses for the treatment of the sick; and if such services shall be rendered by any medical practitioner who is not a union or parish officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid; and in case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined summarily, at the place where the dispute arises, as in case of seamen's wages not exceeding fifty pounds, according to the provisions of the law in that behalf for the time being in force; and any justice before whom complaint is made shall determine summarily as to the amount which is reasonable, according to the accustomed rate of charge within the place for attendance on patients of the like class or condition as those in respect of whom the charge is made,

Authentication of directions and regulations of general board of health.

XIII. The directions and regulations of the general board of health¹ under this enactment shall be under the seal of the said board, and the hand of the president or two or more members thereof; and any copy of such regulations purporting to bear such seal and signature, whether the said signature and seal be respectively impressed and written, or printed only, shall be evidence in all proceedings in which such regulations may come in question.

Penalty for obstructing

XIV. Whoever wilfully obstructs any person acting under the authority or employed in the execution of this Act, and

¹ See 21 & 22 Vict. c. 97, s. 1, *ante*, p. 31.

whosoever wilfully violates any direction or regulation issued by the general board of health as aforesaid, shall be liable for every such offence to a penalty not exceeding five pounds, to be appropriated in or towards the defraying the expenses of executing this Act.

XV. The provisions of any general Act in force for the removal of nuisances, with regard to the service of notices,¹ the proof of orders or resolutions of the local authority,² and the recovery of penalties,³ shall extend and apply to this Act.

Certain provisions of Nuisances Removal Act to apply to this Act.

18 & 19 VICT. CAP. 121.

AN ACT to consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.
[14th August, 1855.]

‘WHEREAS the provisions of “The Nuisances Removal and Diseases Prevention Act, 1848,” amended by “The Nuisances Removal and Diseases Prevention Amendment Act, 1849,” are defective, and it is expedient to repeal the said Acts as far as relates to England, and to substitute other provisions more effectual in that behalf:’ Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

11 & 12 Vict. c. 123.
12 & 13 Vict. c. 111.

I. From and after the passing of this Act, the said Acts are by this section repealed, as far as relates to England: Provided always, that all proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all contracts or works undertaken by virtue of the said Acts shall continue and be as effectual as if the said Acts had not been repealed.

Recited Acts repealed as far as relates to England, except as to proceedings commenced.

II. In this Act the following words and expressions have the meanings by this section hereinafter assigned to them, unless such meanings be repugnant to or inconsistent with the context; (that is to say,) the word “place” includes any city, borough, district under the Public Health Act, parish, township, or hamlet, or part of any such city, borough, district, town, parish, township, or hamlet; the word “guardians” includes the directors, wardens, overseers, governors, or other like officers having the management of the poor for any parish or place where the matter or any part of the matter requiring the cognizance of any such officer arises; the word “borough,” and the expressions, “mayor, aldermen, and burgesses,” “council,” and “borough fund,” have respectively the same

Interpretation of certain terms used in this Act.

¹ See 18 & 19 Vict. c. 121, s. 31, *post*, p. lxxi.

² See *ibid.*, s. 32, *post*, p. lxxii.

³ See *ibid.*, s. 38, *post*, p. lxxii.

meaning as in the Acts for the regulation of municipal corporations, and shall also respectively mean, include, and apply to any royal borough, royal town, or other town having a warden, high bailiff, borough reeve, or other chief officer, and burgesses or inhabitants, however designated, associated with him in the government or management thereof, or any town or place having a governing body therein in the nature of a corporation or otherwise, and to the chief officers and governing bodies of such boroughs, towns, and places, and to the funds and property under the management of, or at the disposal of such chief officers and governing bodies; the expression "Improvement Act" means an Act for regulating and managing the police of, and for draining, cleansing, paving, lighting, watching, and improving a place, and an Act for any of those purposes; the word "owner" includes any person receiving the rents of the property in respect of which that word is used from the occupier of such property on his own account, or as trustee or agent for any other person, or as receiver or sequestrator appointed by the Court of Chancery or under any order thereof, or who would receive the same if such property were let to a tenant; the word "premises" extends to all messuages, lands, or tenements, whether open or inclosed, whether built on or not, and whether public or private; the word "parish" includes every township or place separately maintaining its poor, or separately maintaining its own highways; the expression "quarter sessions" means the court of general or quarter sessions of the peace for a county, riding, or division of a county, city, or borough; the word "person," and words applying to any person or individual, apply to and include corporations, whether aggregate or sole; and the expression "two justices" shall, in addition to its ordinary signification, mean one stipendiary or police magistrate acting in any police court for the district.

PART I.

Constitution of local authority, expenses, description of nuisances and powers of entry.

The local authority to execute this Act in places as herein stated.

PART I.

And with respect to the constitution of the local authority for the execution of this Act, the expenses of its execution, the description of nuisances that may be dealt with under it, and the powers of entry for the purposes of the Act, be it enacted thus:

III. The following bodies shall respectively be the local authority to execute this Act in the districts hereunder stated in England:¹ * * *

In any place within which there is no such local board of health, nor council, body of trustees, or commissioners, and where there is or shall be a board for the repair of the highways of such place, that board:

¹ The whole of this section is repealed by 23 & 24 Vict. c. 77, s. 1, *ante*, page 69; but Section 3 of that Act renders it necessary to retain what follows of the third section of this Act.

In any place where there is no such local board of health, council, body of trustees, or commissioners, nor highway board, a committee for carrying this Act into execution, by the name of "The Nuisances Removal Committee," of which the surveyor or surveyors of highways for the time being of such place shall be *ex officio* a member or members, may be annually chosen by the vestry on the same day as the overseers or surveyors of highways, and the first of such committees may be chosen at a vestry to be specially held for that purpose; and such committee may consist of such number of members as the vestry shall determine, not being more than twelve, exclusive of such surveyor or surveyors, and of such committee three shall be a quorum: * * *

IV. On any vacancy in such nuisances removal committee arising from death, change of residence or otherwise, notice shall be given by the committee to the churchwardens, who shall forthwith summon a meeting of the vestry, and fill up such vacancy by election; and until such vacancy is filled up the remaining members of the committee may act in all respects as if their number was complete. As to filling up vacancies.

V. The local authority may appoint any committee of their own body to receive notices, take proceedings, and in all or certain specified respects, execute this Act, whereof two shall be a quorum; and such local authority or their committee may, in each particular case, by order in writing under the hand of the chairman of such body or committee, empower any officer or person to make complaints and take proceedings on their behalf. Power to local authority to appoint committees.

* * * * *

VIII. The word "nuisances" under this Act shall include— What are deemed nuisances under this Act.

Any premises in such a state as to be a nuisance or injurious to health:

Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul as to be a nuisance or injurious to health:

Any animal so kept as to be a nuisance or injurious to health:

Any accumulation or deposit which is a nuisance or injurious to health:

Provided always, that no such accumulation or deposit as shall be necessary for the effectual carrying on of any business or manufacture shall be punishable as a nuisance under this section, when it is proved to the satisfaction of the justices that the accumulation or deposit has not been kept longer than is necessary for the purposes of such business or manufacture, and that the best available means have been taken for protecting the public from injury to health thereby.

* * * * *

X. Notice of nuisance may be given to the local authority Notice of nuisance.

sances to be given to local authority, &c. to ground proceedings.

by any person aggrieved thereby, or by any of the following persons; the sanitary inspector¹ or any paid officer under the said local authority; two or more inhabitant householders of the parish or place to which the notice relates; the relieving officer of the union or parish; any constable or any officer of the constabulary or police force of the district or place; and in case the premises be a common lodging house, any person appointed for the inspection of common lodging houses; and the local authority may take cognizance of any such nuisance after entry made as hereinafter provided, or in conformity with any improvement Act under which the inspector has been appointed.

Power of entry to local authority or their officer.

XI. The local authority shall have power of entry for the following purposes of this Act, and under the following conditions:—

1. To ground proceedings.

For this purpose, when they or any of their officers have reasonable grounds for believing that a nuisance exists on any private premises, demand may be made by them or their officer, on any person having custody of the premises, of admission to inspect the same, at any hour between nine in the morning and six in the evening; and if admission be not granted, any justice having jurisdiction in the place may, on oath made before him of belief in the existence of the nuisance, and after reasonable notice of the intended application to such justice being given in writing to the party on whose premises the nuisance is believed to exist, by order under his hand, require the person having the custody of the premises to admit the local authority or their officer; and if no person having custody of the premises can be discovered, any such justice may and shall, on oath made before him, of belief in the existence of such nuisance, and of the fact that no person having custody of the premises can be discovered, by order under his hand, authorize the local authority, or their officers, to enter the premises between the hours aforesaid.

2. To examine premises where nuisances exist, to ascertain the course of drains, and to execute or inspect works ordered by justices to be done under this Act.

For these purposes, whenever, under the provisions of this Act, a nuisance has been ascertained to exist, or when an order of abatement or prohibition under this Act has been made, or when it becomes necessary to ascertain the course of a drain, the local authority may enter on the premises, by themselves or their officers, between the hours aforesaid, until the nuisance shall have been abated, or the course of the drain shall have been ascertained, or the works ordered to be done shall have been completed, as the case may be.

¹ See 23 & 24 Vict. c. 77, s. 9, *ante*, p. 72.

3. To remove or abate a nuisance in case of non-compliance with or infringement of the order of justices, or to inspect or examine any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour, under the powers, and for the purposes of this Act.

For this purpose, the local authority or their officer may from time to time enter the premises where the nuisance exists, or the carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour is found, at all reasonable hours, or at all hours during which business is carried on on such premises, without notice.

PART II.

With regard to the removal of nuisances, be it enacted thus :—

XII. In any case where a nuisance is so ascertained by the local authority to exist, or where the nuisance, in their opinion, did exist at the time when the notice was given, and although the same may have been since removed or discontinued, is in their opinion likely to recur or to be repeated on the same premises or any part thereof, they shall cause complaint thereof to be made before a justice of the peace; and such justice shall thereupon issue a summons requiring the person by whose act, default, permission, or sufferance the nuisance arises or continues, or if such person cannot be found or ascertained, the owner or occupier of the premises on which the nuisance arises, to appear before any two justices, in petty sessions assembled at their usual place of meeting, who shall proceed to inquire into the said complaint; and if it be proved to their satisfaction that the nuisance exists or did exist at the time when the notice was given, or if removed or discontinued since the notice was given, that it is likely to recur or to be repeated, the justices shall make an order in writing under their hands and seals on such person, owner, or occupier for the abatement or discontinuance and prohibition of the nuisance as herein-after mentioned, and shall also make an order for the payment of all costs incurred up to the time of hearing or making the order for abatement or discontinuance or prohibition of the nuisance.

XIII. By their order the justices may require the person on whom it is made to provide sufficient privy accommodation, means of drainage or ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the premises which are a nuisance or injurious to health, or such part thereof as the justices may direct in their order, or to drain, empty, cleanse, fill up, amend, or remove the injurious pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit which is a nuisance or injurious to health, or to provide a substitute for that complained of, or to carry away the accumulation or deposit which is a nuisance or injurious to health, or to

PART II.

With regard to removal of nuisances.

Proceedings by local authority before justices in the case of nuisances likely to recur, &c.

If proved to justices that nuisance exists, &c., they shall issue order for abatement, &c.

Justices' order for abatement.

Prohibitive order against future nuisance.

Penalty for contravention of order of abatement; and of prohibition.

Local authority may enter and remove or abate nuisance.

Appeal against order of prohibition.

Appeal against order of abatement when structural works are required.

provide for the cleanly and wholesome keeping of the animal kept so as to be a nuisance or injurious to health, or if it be proved to the justices to be impossible so to provide, then to remove the animal, or any or all of these things (according to the nature of the nuisance), or to do such other works or acts as are necessary to abate the nuisance complained of, in such manner and within such time as in such order shall be specified; and if the justices are of opinion that such or the like nuisance is likely to recur, the justices may further prohibit the recurrence of it, and direct the works necessary to prevent such recurrence, as the case may in the judgment of such justices require; and if the nuisance proved to exist be such as to render a house or building, in the judgment of the justices, unfit for human habitation, they may prohibit the using thereof for that purpose until it is rendered fit for that purpose in the judgment of the justices, and on their being satisfied that it has been rendered fit for such purpose they may determine their previous order by another declaring such house habitable, from the date of which other order such house may be let or inhabited.

XIV. Any person not obeying the said order for abatement shall, if he fail to satisfy the justices that he has used all due diligence to carry out such order, be liable for every such offence to a penalty of not more than ten shillings per day during his default; and any person knowingly and wilfully acting contrary to the said order of prohibition shall be liable for every such offence to a penalty not exceeding twenty shillings per day during such contrary action; and the local authority may, under the powers of entry given by this Act, enter the premises to which the order relates, and remove or abate the nuisance condemned or prohibited, and do whatever may be necessary in execution of such order, and charge the cost to the person on whom the order is made as hereinafter provided.

XV. Any such order of prohibition may be appealed against as provided in this Act.¹

XVI. When it shall appear to the justices that the execution of structural works is required for the abatement of a nuisance, they may direct such works to be carried out under the direction or with the consent or approval of any public board, trustees, or commissioners having jurisdiction in the place in respect of such works; and if within seven days from the date of the order the person on whom it is made shall have given notice to the local authority of his intention to appeal against it as provided in this Act, and shall have entered into recognizances to try such appeal as provided by this Act,¹ and shall appeal accordingly, no liability to penalty shall arise, nor shall any work be done nor proceedings taken under such order, until after the determination of such appeal, unless such appeal cease to be prosecuted.

¹ Sec s. 40, *post*, page lxxiii.

XVII. Whenever it appears to the satisfaction of the justices that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, then such order may be addressed to and executed by such local authority, and the cost defrayed out of the rates or funds applicable to the execution of this Act.

If person causing nuisance cannot be found, local authority to execute order at once.

XVIII. Any matter or thing removed by the local authority in pursuance of this enactment may be sold by public auction, after not less than five days' notice by posting bills distributed in the locality, unless in cases where the delay would be prejudicial to health, when the justices may direct the immediate removal, destruction, or sale of the matter or thing; and the money arising from the sale retained by the local authority, and applied in payment of all expenses incurred under this Act with reference to such nuisance, and the surplus, if any, shall be paid, on demand, by the local authority, to the owner of such matter or thing.

Manure, &c., to be sold.

XIX. All reasonable costs and expenses from time to time incurred in making a complaint, or giving notice or in obtaining an order of justices under this Act, or, in carrying the same into effect under this Act, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order be made on the local authority, or if no order be made, but the nuisance be proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, the said premises shall be and continue chargeable with such costs and expenses, and also with the amount of any penalties incurred under this Act, until the same be fully discharged, provided that such costs and expenses shall not exceed in the whole one year's rackrent of the premises; and such costs and expenses and penalties, together with the charges of suing for the same, may be recovered in any county or superior court, or, if the local authority think fit, before any two justices of the peace; and the said justices shall have power to divide such costs, expenses, and penalties between the persons by whose act or default the nuisance arises, in such manner as they shall consider reasonable; and if it appear to them that a complaint made under this Act is frivolous or unfounded, they may order the payment by the local authority or person making the complaint of the costs incurred by the person against whom the complaint is made, or any part thereof.

Costs and expenses of works to be paid by person on whom order is made, or owner or occupier.

XX. Where any costs, expenses, or penalties are due under or in consequence of any order of justices made in pursuance of this Act as aforesaid, any justice of the peace, upon the application of the local authority, shall issue a summons requiring the person from whom they are due to appear before two justices at a time and place to be named therein; and upon proof to the satisfaction of the justices present that any

Proceedings before justices to recover expenses.

such costs, expenses, or penalties are so due, such justices, unless they think fit to excuse the party summoned upon the ground of poverty or other special circumstances, shall, by order in writing under their hands and seals, order him to pay the amount to the local authority at once, or by such instalments as the justices think fit, together with the charges attending such application, and the proceedings thereon; and if the amount of such order, or any instalment thereof, be not paid within fourteen days after the same is due, the same may, by warrant of the said or other justices, be levied by distress and sale.

Surveyors of highways to cleanse ditches, &c., paying owners, &c., for damages.

XXI. All surveyors and district surveyors may make, scour, cleanse, and keep open all ditches, gutters, drains, or watercourses in and through any lands or grounds adjoining or lying near to any highway, upon paying the owner or occupier of such lands or grounds, provided they are not waste or common, for the damages which he shall thereby sustain, to be settled and paid in such manner as the damages for getting materials in inclosed lands or grounds are directed to be settled and paid by the law in force for the time being with regard to highways.

Power to local authority to cover and improve open ditches, &c.

XXII. Whenever any ditch, gutter, drain, or watercourse used or partly used for the conveyance of any water, filth, sewage, or other matter from any house, buildings, or premises is a nuisance within the meaning of this Act, and cannot, in the opinion of the local authority, be rendered innocuous without the laying down of a sewer or of some other structure along the same or part thereof or instead thereof, such local authority shall and they are hereby required to lay down such sewer or other structure and to keep the same in good and serviceable repair, and they are hereby declared to have the same powers as to entering lands for the purposes thereof, and to be entitled to recover the same penalties in case of interference, as are contained in the sixty-seventh and sixty-eighth sections of the Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled "An Act for consolidating and amending the Laws relating to Highways in England;" and such local authority are hereby authorized and empowered to assess every house, building, or premises then or at any time thereafter using for the purposes aforesaid the said ditch, gutter, drain, watercourse, sewer, or other structure, to such payment, either immediate or annual, or distributed over a term of years, as they shall think just and reasonable, and after fourteen days' notice at the least left on the premises so assessed, to levy and collect the sum and sums so assessed in the same manner, and with the same remedies in case of default in payment thereof, as highway rates are by the law in force for the time being leviable and collectable,¹ and with the same right and power of appeal

¹ See 5 & 6 Will. 4, c. 50, s. 34, in Glen's Law of Highways, p. 61.

against the amount of such assessment reserved to the person or persons so assessed as by the law for the time being in force shall be given against any rate made for the repair of the highways; and the provisions contained in this section shall be deemed to be part of the law relating to highways in England: Provided always, that where such ditch, gutter, drain, or watercourse shall, as to parts thereof, be within the jurisdiction of different local authorities, this enactment shall apply to each local authority only as to so much of the works hereby required, and the expenses thereof, as is included within the respective jurisdiction of that authority: Provided also, that such assessment shall in no case exceed a shilling in the pound on the assessment to the highway rate, if any.

XXIII. Any person or company engaged in the manufacture of gas who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, or aqueduct, pond or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water shall be fouled, shall forfeit for every such offence the sum of two hundred pounds.

Penalty for causing water to be corrupted by gas washings.

XXIV. Such penalty may be recovered, with full costs of suit, in any of the superior courts, by the person into whose water such washing or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid, or if there be no such person, or in default of proceedings by such person after notice to him from the local authority of their intention to proceed for such penalty, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

Penalty to be sued for in superior courts within six months.

XXV. In addition to the said penalty of two hundred pounds (and whether such penalty shall have been recovered or not), the person or company so offending shall forfeit the sum of twenty pounds (to be recovered in the like manner) for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or during which the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on such person or company by the local authority, or the person into whose water such washing or other substance shall be brought or flow or whose water shall be fouled thereby, and such penalty shall be paid to the parties from whom such notice shall proceed; and all moneys recovered by a local authority under this or the preceding section shall, after payment of any damage caused by the act for which the penalty is imposed, be applied towards defraying the expenses of executing this Act.

Daily penalty during the continuance of the offence.

Penalty on
sale of un-
wholesome
meat, &c.

XXVI. The sanitary inspector may at all reasonable times inspect and examine any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed for sale, or in the course of or on their way to slaughtering, dressing or preparation for sale or use, or landed from any ship or vessel in any port in England; and in case any such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appear to him to be unfit for such food, the same may be seized; and if it appear to a justice that any such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food; and the person to whom such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding ten pounds for every carcase, fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour so found.¹

As to nuis-
ances arising
in cases of
noxious
trades, busi-
nesses, pro-
cesses, or ma-
nufactures.

XXVII. If any candle house, melting house, melting place, or soap house, or any slaughter house, or any building or place for boiling offal or blood, or for boiling, burning, or crushing bones, or any manufactory, building or place used for any trade, business, process or manufacture causing effluvia, be at any time certified to the local authority by any medical officer, or any two legally qualified medical practitioners, "to be a nuisance or injurious to the health of the inhabitants of the neighbourhood, the local authority shall direct complaint to be made before any justice, who may summon before any two justices in petty sessions assembled at their usual place of meeting the person by or in whose behalf the work so complained of is carried on, and such justices shall inquire into such complaint, and if it shall appear to such justices that the trade or business carried on by the person complained against is a nuisance, or causes any effluvia injurious to the health of the inhabitants of the neighbourhood, and that such person shall not have used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier), shall, upon a summary conviction for such offence, forfeit and pay a sum of not more than five pounds, nor less than forty shillings, and upon a second conviction for such offence, the sum of ten pounds, and for each subsequent conviction, a sum double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of two hundred pounds: Provided always, that the justices may sus-

¹ This section is repealed by 26 & 27 Vict. c. 117, s. 1, *ante*, p. 198, and further provision made.

pend their final determination in any such case, upon condition that the person so complained against shall undertake to adopt, within a reasonable time, such means as the said justices shall judge to be practicable and ordered to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or shall give notice of appeal in the manner provided by this Act, and shall enter into recognizances to try such appeal, and shall appeal accordingly: Provided always, that the provisions hereinbefore contained shall not extend or be applicable to any place without the limits of any city, town, or populous district.

XXVIII. Provided also, that if, upon his appearance before such justices, the party complained against object to have the matter determined by such justices, and enter into recognizances, with sufficient sureties, to be approved by the justices, to abide the event of any proceedings at law or in equity that may be had against him on account of the subject matter of complaint, the local authority shall thereupon abandon all proceedings before the justices, and shall forthwith take proceedings at law or in equity in Her Majesty's superior courts for preventing or abating the nuisance complained of.

XXIX. Whenever the medical officer of health, if there be one, or if none, whenever two qualified medical practitioners, shall certify to the local authority that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, the local authority shall cause proceedings to be taken before the justices to abate such overcrowding, and the justices shall thereupon make such order as they may think fit, and the person permitting such overcrowding shall forfeit a sum not exceeding forty shillings.

XXX. The local authority may, within the area of their jurisdiction, direct any proceedings to be taken at law or in equity in cases coming within the purview of this Act, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or in relation to appeals under this Act, and may order the expenses of all such proceedings to be paid out of the rates or funds administered by them under this Act.

PART III.

And with regard to procedure under this Act, be it enacted, that—

XXXI. Notices, summonses, and orders under this Act may be served by delivering the same to or at the residence of the persons to whom they are respectively addressed, and where addressed to the owner or occupier of premises, they may also be served by delivering the same or a true copy thereof to some

Reference to superior court at the option of the party complained against

On certificate of medical officer to local authority that house is overcrowded, proceedings may be taken to abate the same.

Local authority to order costs of prosecutions to be paid out of the rates.

PART III.
As to Procedure under this Act.

Service of notices, summonses, and orders.

person upon the premises, or if there be no person upon the premises who can be so served, by fixing the same upon some conspicuous part of the premises, or if the person shall reside at a distance of more than five miles from the office of the inspector, then by a registered letter through the post.

Proof of resolutions of local authority.

XXXII. Copies of any orders or resolutions of the local authority or their committee, purporting to be signed by the chairman of such body or committee, shall, unless the contrary be shown, be received as evidence thereof, without proof of their meeting, or of the official character or signature of the person signing the same.

As to proceedings taken against several persons for the same offence,

XXXIII. Where proceedings under this Act are to be taken against several persons in respect of one nuisance caused by the joint act or default of such persons, it shall be lawful for the local authority to include such persons in one complaint, and for the justices to include such persons in one summons, and any order made in such a case may be made upon all or any number of the persons included in the summons, and the costs may be distributed as to the justices may appear fair and reasonable.

One or more joint owners or occupiers may be proceeded against alone.

XXXIV. In case of any demand or complaint under this Act to which two or more persons, being owners or occupiers of premises, or partly the one or partly the other, may be answerable jointly or in common or severally, it shall be sufficient to proceed against any one or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

Designation of "owner" or "occupier."

XXXV. Whenever, in any proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Penalty for obstructing execution of this Act:

XXXVI. Whoever refuses to obey an order of justices under this Act for admission on premises of the local authority or their officers, or wilfully obstructs any person acting under the authority or employed in the execution of this Act, shall be liable for every such offence to a penalty not exceeding five pounds.

Penalty on occupier obstructing owner.

XXXVII. If the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this Act, any justice to whom application is made in this behalf shall by order in writing require such occupier to desist from such prevention, or to permit the execution of the works required to be executed, provided that such works appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the service of such order, the occupier against whom it is made do not comply therewith, he shall be liable to

a penalty not exceeding five pounds for every day afterwards during the continuance of such non-compliance.

XXXVIII. Penalties imposed by this Act for offences committed and sums of money ordered to be paid under this Act may be recovered by persons thereto competent in England, according to the provisions of the Act of the eleventh and twelfth years of the present reign, chapter forty-three; and all penalties recovered by the local authority under this Act shall be paid to them, to be by them applied in aid of their expenses under this Act. Penalties and expenses recoverable under 11 & 12 Vict. c. 43.

XXXIX. No order, nor any other proceeding, matter, or thing done or transacted in or relating to the execution of this Act, shall be vacated, quashed, or set aside for want of form, nor shall any order, nor any other proceeding, matter, or thing done or transacted in relation to the execution of this Act, be removed or removable by certiorari, or by any other writ or process whatsoever, into any of the superior courts; and proceedings under this Act against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included. Proceedings not to be quashed for want of form.

XL. Appeals under this Act shall be to the court of quarter sessions held next after the making of the order appealed against; but the appellant shall not be heard in support of the appeal unless within fourteen days after the making of the order appealed against he give to the local authority notice in writing stating his intention to bring such appeal, together with a statement in writing of the grounds of appeal, and shall within two days of giving such notice enter into a recognizance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the said court, and to abide the order of and pay such costs as shall be awarded by the justices at such court or any adjournment thereof; and the said court, upon hearing and finally determining the matter of the appeal, may, according to its discretion, award such costs to the party appealing or appealed against as they shall think proper, and its determination in or concerning the premises shall be conclusive and binding on all persons to all intents or purposes whatsoever: Provided always, that if there be not time to give such notice and enter into such recognizance as aforesaid, then such appeal may be made to, and such notice, statement, and recognizance be given and entered into for the next sessions at which the appeal can be heard; Provided also, that on the hearing of the appeal no grounds of appeal shall be gone into or entertained other than those set forth in such statement as aforesaid; Provided also, that in any case of appeal the court of quarter sessions may, if they think fit, state the facts specially for the determination of Her Majesty's court of Queen's Bench, in which case it shall be lawful to remove the Appeals under this Act to be to quarter sessions.

proceedings by writ of certiorari or otherwise into the said court of Queen's Bench.

Forms to be used as in Schedule.

XXI. The forms contained in the Schedule to this Act annexed, or any forms to the like effect, varied as circumstances may require, may be used for instruments under this Act, and shall be sufficient for the purpose intended.

As to protection of local authority and its officers.

XLII. The local authority, and any officer or person acting under the authority and in execution or intended execution of this Act, shall be entitled to such protection and privilege in actions and suits, and such exemption from personal liability, as are granted to local boards of health and their officers by the law in force for the time being.¹

Act not to impair jurisdiction of sewers commissioners, or common law remedies for nuisance, nor jurisdiction of local authority as to the nuisances referred to in this Act.

XLIII. Nothing in this Act shall be construed to affect the provisions of any local Act as to matters included in this Act, nor to impair, abridge, or take away any power, jurisdiction, or authority which may at any time be vested in any commissioners of sewers or of drainage, or to take away or interfere with any course of proceedings which might be resorted to or adopted by such commissioners if this Act had not passed, nor to impair any power of abating nuisances at common law, nor any jurisdiction in respect of nuisances that may be possessed by any authority under the Act, intituled "An Act to abate the Nuisances arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above London Bridge," or the Common Lodging Houses Acts, the Act for the regulation of municipal corporations, the Public Health Act, or any improvement Act respectively, or any Acts incorporated with such Acts, and authorities may respectively proceed for the abatement of nuisances, or in respect of any other matter or thing hereinbefore provided or referred to, either under the Acts mentioned in this section or any other Act conferring jurisdiction in respect of the nuisances referred to in this Act, or any byelaws framed under any such Act, as they may think fit; and the local authorities constituted under and for the purposes of the Common Lodging House Acts, 1851 and 1853² shall for the purposes of those Acts have all the powers of local authorities under this Act.

Act not to affect navigation of rivers or canals.

XLIV. Nothing herein contained shall enable any local authority, surveyor of highways, or other person, either with or without any order of justices, to injuriously affect the navigation of any river or canal, or to divert or diminish any supply of water of right belonging to any such river or canal; and the provisions of this Act shall not extend or be construed to extend to mines of different descriptions so as to interfere with or obstruct the efficient working of the same, or to the smelting of ores and minerals, or to the manufacturing of the produce of such ores and minerals.

¹ See 11 & 12 Vict. c. 63, ss. 139, p. 331.

140, in *Glen's Law of Public Health* ² See 14 & 15 Vict. c. 28, and 16 and Local Government, 2nd Edition, & 17 Vict. c. 41.

XLV. No power given by this Act shall be exercised in such manner as to injuriously affect the supply, quality, or fall of water contained in any reservoir or stream, or any feeders of such reservoir or stream, belonging to or supplying any water-work established by Act of Parliament, or in cases where any company or individual are entitled for their own benefit to the use of such reservoir or stream, or to the supply of water contained in such feeders, without the consent in writing of the company or corporation in whom such waterworks may be vested, or of the parties so entitled to the use of such reservoirs, streams, and feeders, and also of the owners thereof in cases where the owners and parties so entitled are not the same person.

XLVI. In citing this Act in other Acts of Parliament, and in legal instruments and other proceedings, it shall be sufficient to use the words "The Nuisances Removal Act for England, 1855."

SCHEDULE OF FORMS.

FORM (A.)

Order of Justices for Admission of Officer of Local Authority to Inspect Private Premises.

WHEREAS [describe the local authority] have by their officer [naming him] made application to me *A. B.*, one of her Majesty's justices of the peace having jurisdiction in and for [describe the place], and the said officer hath made oath to me of his belief that a nuisance, within the meaning of the "Nuisances Removal Act for England, 1855," viz. [describe nuisance], exists on private premises at [describe situation of premises so as to identify them], within my jurisdiction, and demand of admission to such premises for the inspection thereof has been duly made under the said Act and refused :

Now, therefore, I the said *A. B.* do hereby require you to admit the said [name the local authority], [or the officer of the said (local authority)], for the purpose of inspecting the said premises.

Dated this day of , 18

A. B.

FORM (B.)

Notice of Nuisance.

To the local authority [describing it].

I [or we], the person aggrieved by the nuisance hereinafter described [or the undersigned and described inhabitant householders, sanitary inspector, or other officer (describing him)], do hereby give you notice, that there exists in or upon the [dwell-

ing house, yard, &c., as the case may be], situate at [giving such description as may be sufficient to identify the premises], in the parish of _____, in your district, under the "Nuisances Removal Act, 1855," the following nuisance, videlicet [describing the nuisance, as the case may be; for instance, a dwelling house or building a nuisance or injurious to health for want of a privy or drain or sufficient means of ventilation, or so dilapidated or so filthy as to be a nuisance or injurious to health, or for further instance, a ditch, or drain so foul as to be a nuisance or injurious to health, or an accumulation of _____, a nuisance or injurious to health, &c., or swine so kept as to be a nuisance or injurious to health]; and that such nuisance is caused by [naming the person by whose act or default the nuisance is caused, or by some person unknown].

Dated this _____ day of _____, in the year of our Lord one thousand eight hundred and _____.

[Signed by Complainant under Section 10.]

FORM (C.)

Notice to Owner or Occupier of Entry for Examination.

To the owner [or occupier, as the case may be,] of [describe the premises situate at] [insert a description sufficient to identify the premises].

TAKE NOTICE, that under the "Nuisances Removal Act for England, 1855," the [local authority, naming it,] in whose district under the said Act the above premises are situate, have received a notice from [name complainant], stating that in or upon the said premises [insert the cause of nuisance as set forth in the notice.]

And further take notice, That after the expiration of twenty-four hours from the service of this notice the [local authority] will cause the said premises to be entered and examined under the provisions of the said Act, and if the cause of nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a summons will be issued requiring your attendance to answer a complaint which will be made to the justices for enforcing the removal of the same, and prohibiting a repetition thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this _____ day of _____, in the year of our Lord one thousand eight hundred and _____.

A. B.

The officer appointed by the [local authority] to take proceedings under the Nuisances Removal Act for England, 1855.

FORM (D.)

Summons.

To the owner or occupier of [*describe premises*] situate at
 [insert such a description as may be sufficient to identify the
 premises], or to A. B. of

County of , [or
 borough of , &c.] You are required to appear before two of
 or district of , her Majesty's justices of the peace [or one
 or as the case may be,] of the magistrates of the police courts of
 to wit, the metropolis, or the stipendiary magis-
 trate] of the county [or other jurisdiction]
 of , at the petty sessions [or court] holden at ,
 on the day of next, at the hour of
 in the noon, to answer the complaint this day made to me
 by [or by on behalf of] [*naming the local authority,*
as the case may be,] that in or upon the premises above men-
 tioned [or in or upon certain premises situate at No. in
 the street, in the parish of , or such other
description or reference as may be sufficient to identify the premises,]
 in their district, under the "Nuisances Removal Act for Eng-
 land, 1855," the following nuisance exists [*describing it, as the*
case may be,] and that the said nuisance is caused by the act or
 default of the occupier [or owner] of the said premises, or by
 you A. B. [or in case the nuisance be discontinued, but likely to be
 repeated, say there existed recently, to wit, on or about the
 day of , on the premises, the following
 nuisance [*describe the nuisance,*] and that the said nuisance was
 caused [&c.], and although the same has since the said last-
 mentioned day been removed or discontinued, there is reason-
 able ground to consider that the same or the like nuisance is
 likely to recur on the said premises.]

Given under the hand of me J. P., esquire, one of her
 Majesty's justices of the peace acting in and for the
 [jurisdiction] stated in the margin, or one of the
 magistrates of the police courts of the metropolis,
 or stipendiary magistrate of , this
 day of in the year of our Lord one
 thousand eight hundred and

FORM (E.)

Order of Justices for Removal of Nuisances by Owner, &c.

To the owner [or occupier] of [describe the premises] situate [give such description as may be sufficient to identify the premises], or to A. B. of , or to [giving name of the local authority], or to their servants or agents, and to all whom it may concern.

County of [or] WHEREAS on the day of
 borough, &c., of , complaint was made before
 or district of , or { esquire, one of her Majesty's justices of
 as the case may be. } the peace acting in and for the county [or
 other jurisdiction] stated in the margin, [or before the under-
 signed, one of the magistrates of the police courts of the metro-
 polis, or as the case may be], by [or by] on behalf of]
 [the local authority, naming it, as the case may be] that in or upon
 certain premises situate at , in the district under the
 "Nuisances Removal Act for England, 1855," of the complain-
 ants above named, the following nuisance then existed [describing
 it]; and that the said nuisance was caused by the act or default
 of the owner [or occupier] of the said premises [or was caused
 by A. B.] (If the nuisance have been removed, say, The following
 nuisance existed on or about [the day the nuisance was ascer-
 tained to exist], and that the said nuisance was caused, &c.,
 and although the same is now removed, the same or the like
 nuisance is likely to recur on the same premises.)

And whereas , the owner [or occupier] within
 the meaning of the said "Nuisances Removal Act, 1855," [or
 the said A. B.] hath this day appeared before us justices, being
 two of her Majesty's justices in and for , sitting
 in petty sessions at their usual place of meeting [or before me,
 the said magistrate of the police courts of the metropolis, or as
 the case may be], to answer the matter of the said complaint [or
 in case the party charged do not appear, say, And whereas it hath
 been this day proved to our [or my] satisfaction that a true
 copy of a summons requiring the owner [or occupier] of the
 said premises [or the said A. B.] to appear this day before us [or
 me] , hath been duly served according to the said
 Act:

Now upon proof here had before us [or me] that the nuisance
 so complained of doth exist on the said premises, and that the
 same is caused by the act or default of the owner [or occupier]
 of the said premises [or by the said A. B.] we [or I], in pursu-
 ance of the said Act, do order the said owner [or occupier, or
 A. B.] within [specify the time] from the service of this order or
 a true copy thereof according to the said Act [here specify the
 works to be done, as, for instance, to cleanse, whitewash, purify,
 and disinfect the said dwelling house; or, for further instance,

to construct a privy or drain, &c.; or, for further instance, to cleanse or to cover or to fill up the said cesspool, &c.], so that the same shall no longer be a nuisance or injurious to health as aforesaid.

[And if it appear to the justices that the nuisance is likely to recur on the premises say [And we] [or I] being satisfied that, notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner [or occupier, or A. B.] from [here insert the matter of the prohibition, as, for instance, from using the said house or building for human habitation until the same, in our judgment, is rendered fit for that purpose].

And if the above order for abatement be not complied with, [or if the above order of prohibition be infringed,] then we [or I] do authorize and require you the said [local authority, naming it,] from time to time to enter upon the said premises, and to do all such works, matters, and things as may be necessary for carrying this order into full execution according to the Act aforesaid.

In case the nuisance were removed before complaint, say, [Now, upon proof here had before us that at or recently before the time of making the said complaint, to wit, on as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same hath since been removed, yet, notwithstanding such removal, we [or I] being satisfied that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit, [order of prohibition]; and if this order of prohibition be infringed, then we [or I] [order on local authority to do works].

Given under the hands and seals of us, two of her Majesty's justices of the peace in and for [or the hand and seal of me, one of the magistrates of the police courts of the metropolis, or as the case may be], this day of in the year of our Lord one thousand eight hundred and

FORM (F.)

Order of Justices for Removal of Nuisance by Local Authority.

To the Town Council, &c., as the case may be.

County, &c., } WHEREAS [recite complaint of nuisance as in last
to wit. } form].

And whereas it hath been now proved to our [or my] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person causing the nuisance, is known or can be found [as the case may be]: Now we [or I], in pursuance of the said Act, do order the said [local authority, naming it,] forthwith to [here specify the works to be done].

Given, &c.

FORM (G.)

Order to permit Execution of Works by Owners.

County of [or] WHEREAS complaint hath been made to
 borough of me, E. F., esquire, one of Her Majesty's
 or metropolitan police justices of the peace in and for the
 district, or as the case county [or borough, &c.] of [or
 may be], to wit. one of the magistrates of the police
 courts of the metropolis, or as the case may be, or one of Her
 Majesty's justices of the peace, as the case may be, of the
 county of], by A. B., owner within the meaning
 of the "Nuisances Removal Act for England, 1855," of certain
 premises, to wit, a dwelling house [or building, or as the case
 may be], situate at [insert such a description of the premises as may
 be sufficient to identify them], in the parish of , in
 the said county [or borough, &c.] that C. D., the occupier of
 the said premises, doth prevent the said A. B. from obeying
 and carrying into effect the provisions of the said Act, in this,
 to wit, that he the said C. D. [here describe the act of prevention
 generally according to the circumstances; for instance thus, doth
 refuse to quit the said house, the same having by the order of
 justices been declared unfit for human habitation, or doth pre-
 vent the said A. B. from cleansing or whitewashing or purify-
 ing the said dwelling house, or erecting a privy or drain or
 breaking an aperture for ventilation, or cleansing a drain, ditch,
 gutter, watercourse, privy, urinal, cesspool, or ashpit which is
 a nuisance or injurious to health]: And whereas the said C. D.
 has been summoned to answer the said complaint, and has not
 shown sufficient cause against the same, and it appears to me
 that [describe the act or works to be done] is necessary for the
 purpose of enabling the said A. B. to obey and carry into effect
 the provisions of the said Act, I do hereby order that the said
 C. D. do permit the said A. B. [describe the act or works to be
 done] in the manner required by the said Act.

Given under my hand and seal, this day of
 in the year of our Lord one thousand eight hundred
 and

E. F. (L. S.)

FORM (H.)

Summons for Nonpayment of Costs, Expenses, or Penalties.
 Sect. 20.

To , [describe the person from whom the costs, expenses,
 and penalties are due].

County of } You are required to appear before two of
 or borough of Her Majesty's justices of the peace, [or
 or district of one of the magistrates of the police
 to wit. courts of the metropolis, or the stipen-
 diary magistrates] of the county [or other jurisdiction] of

Given under the hand of me, *J. P.*, esquire, one of Her Majesty's justices of the peace acting in and for the [*jurisdiction stated in the margin*], [or one of the magistrates of the police courts of the metropolis, or stipendiary magistrate of], the day of , in the year of our Lord one thousand eight hundred and .

And whereas it has been this day satisfactorily proved to us [or me] that a true copy of the summons requiring the said [naming person charged] to appear before us [or me] this day hath been duly served according to the said Act: Now, having heard the matter of the said complaint, we [or I] do adjudge the said [naming the person charged] to pay forthwith [or by instalments of _____], payable respectively on or before the _____ to the said [naming the person or local authority to whom the costs adjudged are payable], the sum of _____, for costs in this behalf and to [naming the person or authority to whom the expenses are payable] the sum of _____, for expenses in this behalf, [if penalties are due, add, and the sum of _____, for penalties incurred in relation to the premises], together with the sum of _____, being the charges attending the application for this order and proceedings thereon; and if the said several sums, amounting in the whole to _____, [or if any one of the said instalments], be not paid within fourteen days after the same is due as aforesaid, we [or I] hereby order

that the same be levied by distress and sale of the goods and chattels of the said , and in default of sufficient distress in that behalf adjudge the said to be imprisoned in the common gaol [or house of correction, *as the case may be,*] at , in the said county, [or *as the case may be,*] for the space of such time, not exceeding three calendar months, as the justices may think fit, unless the said several sums [or sum], and all costs and charges of the said distress [and of the commitment and carrying of the said to the said house of correction or common gaol, or *as the case may be,*], shall be sooner paid.

Given under our [or my] hands, this day of
in the year of our Lord one thousand eight hundred and , at , in the [county, or *as the case may be,*], aforesaid.

FORM (K.)

Warrant of Distress. Sect. 20.

To the constable of , and to all other peace officers in the said county [or *as the case may be,*].

WHEREAS last past complaint was made before the undersigned, two of Her Majesty's justices of the peace in and for the said county of [or *as the case may be,*] [or a magistrate of the police courts of the metropolis, or stipendiary magistrate, *as the case may be,*] for that [i.e., *as in the order,*]; and thereupon having considered the matter of the said complaint, we [or I] adjudged the said [set out from Form I. the adjudication of payment, and the order for distress and for imprisonment in default of distress]: and whereas the time in and by the said order appointed for the payment of the said several sums of and hath elapsed, but the said hath not paid the same or any part thereof within fourteen days after the date fixed by the order for such payment, but therein hath made default: these are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of days after the making of such distress the said last-mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale over to the clerk of the justices of the peace for the division of in the said [county, or *as the case may be,*], that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said ; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under our [*or my*] hands and seal, this day
of , in the year of our Lord one thousand
eight hundred and , at in the [county]
aforesaid.

A. B.

(L.S.)

C. D.

FORM (L.)¹

*Return of Proceedings under Nuisances Removal Act, 1855, by
the [name the local authority at length.]*

From 25th March, 1855, to 25th March, 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks— <i>with any special work done under the Acts, without any notice.</i>
16 April	The in- specter.	Foul drain- age from house.	Owner put down good drain on summons, without jus- tices' order.	Several houses being in a like position, the highway sur- veyor laid down a sewer in the old watercourse, and each house was charged a proportionate sum for the same, of which the highest sum was 10s.
18 April	Two neigh- bours.	Offensive cesspool.	Abated by local authority.	Renewed once; but penalty re- covered, and no subsequent renewal attempted.

Dated this 26th day of March, 1856. [*To be signed by the
chairman of the local authority.*]

19 & 20 VICT. CAP. 32.

AN ACT to amend the Whichwood Disafforesting Act,
1853. [23rd June, 1856.]

* * * * *

V. The said commissioners shall by their award determine whether the whole or what portion or portions of the said forest shall constitute the parish of Whichwood, and shall fix the boundary of such parish, and their decision as regards such boundary shall be final.²

As to what
portion of the
forest shall
constitute the
parish of
Whichwood.

* * * * *

¹ This form was accidentally retained in the bill after the clause which referred to it had been struck out in committee, and it therefore forms part of the statute book, though it is nugatory.

² See 16 & 17 Vict. c. 36, s. 14, *ante*, p. liv.

19 & 20 VICT. CAP. 109.

AN ACT to amend the mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.
[29th July, 1856.]

* * * * *

As to settle-
ment and
chargeability
of young per-
sons sent from
Scotland to
any school out
of Scotland.

IV. Provided always, that if any such young person who shall, under the provisions of this Act, be sent from Scotland to any school out of Scotland, shall not have right to a settle-ment in any parish therein, and might have been removed from Scotland under the provisions of the eighth and ninth of Queen Victoria, chapter eighty-three, at the instance of the inspector of the poor of the parish to which such young person has be-come chargeable, had he or she not been sent out of Scotland under the provisions of this Act, the chargeability on such parish for such young person shall, on his or her being so sent out of Scotland, cease and determine.

* * * * *

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24 & 25 VICT. CAP. 101.

AN ACT for promoting the revision of the Statute Law by repealing divers Acts and parts of Acts which have ceased to be in force.
[6th August, 1861.]

WHEREAS with a view to the revision of the statute law, and particularly to the preparation of an edition of the Statutes comprising only enactments which are in force, it is expedient that divers Acts, and parts of Acts which have ceased to be in force otherwise than by express and specific repeal, should be expressly and specifically repealed :

And whereas the Acts mentioned in the schedule to this Act have so ceased to be in force to the extent specified in the third column of the said schedule :

Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parlia-ment assembled, and by the authority of the same, as follows :

Acts or parts
of Acts speci-
fied in the
third column
of schedule
repealed.

I. The Acts mentioned in the schedule to this Act shall be repealed to the extent specified in the third column of the said schedule, except as to any operation already affected by, or act done under, any enactment herein comprised, or as to any right, title, obligation, or liability already acquired or accrued under any such enactment.

II. This Act may be cited as the Statute Law Revision Act, Short title. 1861.

SCHEDULE.

Act.	Subject.	Extent of Repeal.
49 Geo. 3, c. 68.	Law of Bastardy (England).	The whole, except s. 3, so far as it relates to a mother of a bastard.

The following is the unrepealed Section of

49 Geo. 3, c. 68.

An Act to explain and amend the Law of Bastardy, so far as relates to indemnifying Parishes in respect thereof.

[3rd June, 1809.]

III. "And whereas parishes are often put to great expense in enforcing the performance of orders of maintenance made on the filiation of bastard children;" Be it therefore further enacted, that if any reputed father or any mother of such bastard child or children, on whom any order of filiation or maintenance of such child or children shall have been made by the court of quarter sessions, or which shall have been made by two justices of the peace and confirmed by the court of quarter sessions, or against which no appeal shall have been made to the court of quarter sessions, shall neglect or refuse to pay any sum or sums of money which he or she shall have been ordered to pay towards the maintenance or other sustentation for the relief of any such bastard child or children by any such order, it shall be lawful for any justice of the peace of the county, riding, division, city, liberty or town corporate in which such reputed father or such mother shall happen to be, and the said justice is hereby required upon complaint made to him by any one of the overseers of the poor of any parish, township, or place liable to the maintenance or support of such bastard child or children, or where such bastard child or children shall then be, and upon proof on oath of such order for the payment of such sum or sums of money, and of such sum or sums of money being unpaid, and of a demand of such payment having been made, and a refusal to pay the same, or that such reputed father or such mother hath left his or her usual place of abode, and hath avoided a demand thereof being made by such overseer, to issue his warrant to apprehend such reputed father or such mother, and to bring him or her before such justice or any other justice of the peace of the same county, riding, division, city, liberty or town corporate, to answer such complaint; and if such reputed father or such

For maintenance of bastard children.
Father or mother neglecting to pay for maintenance of bastard according to order, may be apprehended and committed by one justice, for three months, or till payment.

mother shall not pay such sum or sums of money as shall appear to the said justice before whom such reputed father or such mother shall be brought to be due and unpaid, or shall not show to such justice some reasonable and sufficient cause for not so doing, it shall be lawful for such justice, and the said justice is hereby required to commit such reputed father or such mother to the public house of correction or common gaol of the said county, to be there kept to hard labour for the space of three months, unless such reputed father or such mother shall, before the expiration of the said three months, pay or cause to be paid to one of the overseers of the poor of the parish, township, or place on whose behalf such complaint as aforesaid was made, the said sum or sums of money so due and unpaid as aforesaid, and so from time to time and as often as such reputed father or such mother shall in manner aforesaid neglect or refuse to pay any other sum or sums of money that shall afterwards become due by virtue of and under such order after the expiration of or discharge from any such former imprisonment as aforesaid.

CASES DECIDED ON THE CONSTRUCTION OF
THE POOR LAW STATUTES.

1857—1863.

43 ELIZ. c. 2, s. 1.

Evidence of two Places being distinct Parishes.

Reg. v. Tombleson, 27 J. P. 150.

Two parishes, the lands of which were intermixed, had each a separate church, but one patron and one incumbent, who celebrated Divine service in each church once each Sunday morning or evening alternately, and christened the children in either, irrespective of the residence of the parents. There was also one parish clerk, one communion plate, and one burial-ground. There had always been overseers, churchwardens, and surveyors of highways appointed for each parish separately, but the same poor rate in amount had always been assessed in both parishes, and when collected the amount was thrown into one fund, and applied to the poor of both parishes indiscriminately:—*held* that the preponderance of evidence was in favour of these being distinct and separate parishes, and therefore a joint appointment of overseers for the two places as one parish was invalid.

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Boundary of Parish—River—Middle of Stream.

McCannan v. Sinclair, 33 L. T. 221; 28 L. J. (n. s.) M. C. 247; 5 Jur. (n. s.) 1302.

In beating the boundaries of the parish of Rotherhithe the authorities proceed along the embankments, wharves, or other shore of the river Thames, while in the adjoining parish of Bermondsey the authorities go along the middle of the river; the parish of Rotherhithe has never done or exercised any parochial act or authority beyond the embankments, &c.:—*held*, the inference from the above circumstance was, that the parish of Rotherhithe extended to the middle of the river; and that a pier built on piles in the bed of the river, opposite one of the embankments, but not connected with it, was rateable to the poor-rate of the parish.

Boundary of Parish—Sea Shore.

Reg. v. Gee, 1 E. & E. 1068.

Where the sea-shore forms the boundary of the parish, the portion of the shore between the high-water mark of ordinary spring-tides and that of medium tides is within the limits of the parish.

*Boundary of Parish—High and Low Water Mark.*See Reg. v. Musson, *post*, p. 21.*Boundary of Parish—Street—Local Act.*

See Reg. v. Strand Board of Works, 27 J. P. 724.

Cathedral Precincts—Extra Parochiality of.

Braithwaite v. Hooke, 26 J. P. 660.

Where the vicar of a parish, in which a cathedral was situated, and who was also sub-dean, claimed the precincts as part of the parish, and sought to exclude the dean from reading the burial service in the cathedral churchyard :—*held*, where it is doubtful whether the cathedral existed before or after the institution of civil parishes, which, according to Lord Coke, C. J., was in 1189, the presumption was, that the cathedral and precincts were from the first extra-parochial.

Duration of Office of Churchwardens.

Bray v. Somer, 31 L. J. (n. s.) M. C. 175.

A churchwarden whose year of office has expired, continues in office, where his successor has been elected, but has not been sworn, nor has made the substituted declaration, nor has done any act which would make him churchwarden *de facto*. Such churchwarden is therefore bound to sign the jury lists under 7 Geo. 4, c. 50, ss. 8, 9, and is liable to penalties under s. 45 for not having done so.

Power of Justices to appoint Overseers without previous nomination of Vestry.

Reg. v. Hoole, 2 L. T. (n. s.) 472; 24 J. P. 438, S. C. nom. Reg. v. Lancashire JJ., 29 L. J. (n. s.) M. C. 214.

The appointment of overseers of the poor is by law vested in the justices alone, who may appoint whom they think fit, pursuant to the 43 Eliz. c. 2, without the previous nomination of the inhabitants, or without regard to their nomination.

CASES:—43 ELIZ. C. 2, s. 1.

Overseers must be distinct from Churchwardens.

Rex v. Hinckley, 12 East, 361; Rex v. All Saints, Derby., 13 East, 143; Rex v. Catesby, 2 B. & C. 814; Woodcock v. Gibson, 4 B. & C. 462; Rex v. Earl Shilton, 1 B. & Ald. 275; see also Reynolds v. Hickman, 23 J. P. 708.

A Poor Rate not duly allowed by Justices is a nullity.

Fox v. Davies, 18 L. J. (n. s.) C. P. 48.

A poor rate not duly allowed by justices after it has been signed by the overseers, is a nullity, though it be not appealed against.

Signing Poor Rate—Allowance—Notice of Vestry Meeting.

Scadding v. Lorant, 16 L. J. (n. s.) M. C. 163; 13 Q. B. 706; overruled in the House of Lords, 19 L. J. (n. s.) M. C. 5.

Semble—a Poor-Rate may be in more Books than one.

Scadding v. Lorant, 19 L. J. (n. s.) M. C. 5.

Rates due by Bankrupt—Action against Overseers—Protection.

Phillips v. Naylor, 5 Jur. (n. s.) 966; 3 H. & N. 14; 22 J. P. 355.

The plaintiff was assessed as the occupier of a house, to three several poor rates, on the 3rd of August, 1856, the 22nd of November, 1856, and the 31st of January, 1857, respectively. On the 24th of January, seven days before the last rate became due, the plaintiff became a bankrupt, and obtained an order under the 112th section of the Bankrupt Act, 12 and 13 Vict. c. 106, for protection from arrest. While the order was in force the overseers summoned the plaintiff before the justices for non-payment of the three rates which remained unpaid. The plaintiff wrote on the summons that his goods were under the protection of the Court of Bankruptcy, and left it at the house of the assistant-overseer. He failed to attend the summons, and the justices granted a distress warrant, to which a return of *nulla bona* was made, the plaintiff's goods having been previously sold under the bankruptcy; thereupon a warrant of commitment was issued by the justices, and under this warrant the plaintiff was imprisoned. An action having been brought against the overseers and assistant-overseer for maliciously, and without a reasonable or probable cause, causing the plaintiff's arrest under the warrant:—*held*, that the third rate having been assessed after the bankruptcy, the imprisonment as to that rate was legal, notwithstanding the protection, and that there was no absence of reasonable and probable cause for the overseers summoning the plaintiff for the three rates.—*Quære*, whether bankruptcy has any operation until after the certificate on a demand for poor rates.

Proof of Rate prior to fiat against Bankrupt's Estate.

Reg. v. Sussex JJ., and, In re Wetherell & Courthorpe, 19 L. J. (n. s.) M. C. 115; 14 J. P. 224.

Arrears of poor rates due from a bankrupt before his bankruptcy

are leviable under the fiat; and the certificate is a bar to levying the amount under 43 Eliz. c. 2 by distress and sale of his subsequently acquired goods; but see 24 and 25 Vict. c. 134, s. 156, *ante*, p. 105.

Rating University as Occupiers—University of Oxford—Rateability of University and College Buildings.

Reg. v. University of Oxford, 21 J. P. 644; 29 L. T. 343; 3 Jur. (n. s.) 1249; 27 L. J. (n. s.) M. C. 33; 8 E. & B. 184.

In considering whether the university of Oxford is liable to be rated to the relief of the poor in respect of any of the property belonging to it, it must be dealt with as a national institution erected for a national purpose, namely, the advancement of religion and learning. The inquiry, therefore, must be as to each particular property, whether it be occupied solely for the public purposes for which it was erected, or for any subordinate and quasi private purposes. If the occupation be of the former kind, the university will be exempt; if the latter, it will be liable so far as the occupation is referable to private convenience, and not to public duty.

Therefore the university is exempt in respect to the Bodleian Library; the Divinity and other schools; the Convocation House and Apodyterium; the Old Convocation House and Law School; the Sheldonian Theatre,—the use of which as a concert room is merely occasional and exceptional;—the Ashmolean Museum, except the lower part occupied as the residence of the reader in mineralogy; the Clarendon Buildings; the Botanic Garden; the Taylor Institution; and the University Galleries.

The colleges do not wholly lose their private character, so as to merge in the university; and, therefore, the chapels in them, though consecrated, and the halls, are liable to be rated.

The university is liable to be rated in respect of a cellar under the Sheldonian Theatre, occupied by a private individual for his own benefit, but without payment of rent; the residence of the professor, the porter, and the head gardener at the Botanic Garden, and the land appropriated to the use of the head gardener; and the residence of the chairman of the Taylor Institution, so far as the same is referable to private convenience, and not to public duty.

Liability of Public Bodies to be Rated.

Oxford Rate Case, supra.

Per Coleridge J. The principle of rating is this:—that the public is not assessable to the poor-rate; and therefore the occupier, whether corporation, or person who in his occupation merely and only represents the public, or occupies for the public, stands on the same footing. (See *Mersey Docks and Harbour Company, post*, p. 18.)

Liability of a Corporation to be Rated.

Curtis v. Kent Waterworks Company, 7 B. & C. 440; see also *Rex v. Gardiner*, Cowp. 79.

A corporation was held liable to be rated, although by a clause of the local Act giving a right to appeal, the party appealing was bound to enter into a recognizance.

Difference between a Poor Rate and a Church Rate.

Attenborough v. Kemp & Page, 6 Jur. (n. s.) 1354; 5 L. T. (n. s.) 67.

A church rate differs from a poor rate in three things:—1, it need not be upon the net annual value; 2, if just and equal it cannot be compounded for; and 3, the landlords of small tenements cannot be rated for part thereof in lieu of the occupiers.

Construction of "Parliamentary and Parochial Rates."

Kent JJ. v. Maidstone Commissioners, 2 L. T. (n. s.) 353; 24 J. P. 355, 710.

A local improvement Act authorized the rating of gaols. Afterwards a local statute reciting that it was expedient that the county should be relieved from any taxes in respect of any of the gaols, &c., enacted that "no rate, tax, or assessment whatsoever, parliamentary or parochial," shall be levied on them:—*held*, that a rate made by the local improvement commissioners on the county gaol came within this exemption; that the words "parliamentary or parochial" did not limit the previous generality of the words; and that at all events the rate fell within the words "parliamentary tax or rate."

Obligation to Rate Land and Houses, if one holding in one sum.

Flitney v. Way, 8 J. P. 281.

An action was tried on the Norfolk spring circuit, 1844, before Mr. Justice Patteson, against overseers for maliciously underrating the plaintiff, with intent to deprive him of a beer-house license:—*held*, 1. That the rate though unappealed against by the plaintiff was not conclusive evidence of the value therein as entered to the premises in question. 2. That the defendants were not justified in deducting 25 per cent. from the actual value of premises as a means of ascertaining and fixing their rateable value, for the rateable value is the actual value, and *semble*, that where two distinct but adjoining tenements are held together under one title, they ought to be rated together as one occupation. .

Who not an Occupier—International Exhibition, 1862.

Morrish v. St. Mary Abbots, Kensington, 27 J. P. 470; S. C. nom. *Morrish v. Hall*, 8 L. T. (n. s.) 697; *Reg. v. Morrish*, 32 L. J. (n. s.) M. C. 245.

A person who has merely a licence to sell refreshments in a

building is not an occupier so as to render him liable to be rated to the poor rate, in respect of the portion of the premises where the refreshments are sold.

Levy of Rate by succeeding Overseers.

East Dean v. Everett, 3 L. T. (n. s.) 700; 7 Jur. (n. s.) 124; 30 L. J. (n. s.) M. C. 117.

Arrears of poor rate can be levied under 43 Eliz. c. 2, s. 4, by overseers other than the immediate successors of those who made the rate; and the 17 Geo. 2, c. 38, s. 11, has not the effect of confining this right to the immediate successors of the overseers who made the rate.

Beasts of the Plough.

Hutchins v. Chambers, 1 Burr. 580.

Such are distrainable for poor rates.

Retrospective Rate—Rate for Defalcations of Collector—Effect of Rate being bad in part.

Waddington v. City of London Union, Ex. Ch. 22 J. P. (n.) 367, 703, 755; 32 L. T. 225; 28 L. J. (n. s.) M. C. 113; 22 J. P. (n.) 367; (n.) 703, 755; 1 E. B. & E. 370; 5 Jur. (n. s.) 262; Glen's Poor Law Board Orders, 4th edit. p. 442; see also Attorney-Gen. v. Wilkinson, 32 L. T. 386; 23 J. P. 211; 28 L. J. (n. s.) Ch. 392; 29 L. J. (n. s.) Ch. 41, and Luce v. City of London Union, 24 J. P. 358, *post*, p. 125.

A poor rate which is made in part for past expenses is bad altogether. The collector for nine of the parishes of the city of London union embezzled 22,407*l.* of the monies collected by him previous to December, 1856. The parochial accounts had been audited up to September, 1856, upon false and fraudulent accounts, concocted by the defaulting collector. In February, 1857, the guardians made an order, purporting to be under the authority of the 82nd article of the Consolidated Order of the poor law commissioners, upon all the parishes of the union, for 61,430*l.*, composed of 23,154*l.* for outstanding debts due to tradesmen at Christmas, 1856; 4200*l.* due to the treasurer on the 31st of December, 1856, sums which were unpaid by reason of the defalcations of the collector, and including other items for prospective expenses, admitted to be proper. One of the parishes of the union, but not one of those for which the defaulter was collector, was assessed to 2,800*l.*, being its proper proportion, if the charge of 61,430*l.* upon the union was lawful:—*held*, that the rate upon that parish was unlawful and invalid, on the ground that it was in part for retrospective charges, and the guardians had no authority to make a retrospective rate.—The poor law commissioners have no power to authorize the making of a rate to pay a past debt; and according to the true construction of the 81st and 82nd articles of the Consolidated Orders of 1843, no such rate is contemplated.

Union Funds embezzled—Consolidated Order, Sections 81, 82.

Hale v. City of London Union, C. P. 24 J. P.; 6 Jur. (n. s.) 74; 29 L. J. (n. s.) M. C. 5; 6 C. B. (n. s.) 863; see also City of London Union *app.*, Acocks *resp.*, 8 C. B. (n. s.) 760; 24 J. P. 502, *post*, p. 125.

The city of London union funds had been embezzled by the collector for certain of the parishes therein, not including St. Mary Bothaw. The guardians afterwards made a contribution order to the common fund of the union on that parish for 65*l.* for one half-year, under the authority of section 82 of the consolidated order. It appeared, however, from the parochial ledger of the union, which showed the sum then credited to each parish as paid in to the union treasurer, that there was a larger balance then standing to the credit of St. Mary's parish, arising from money actually paid in, than the amount of the contribution order, though such balance had in fact been part of the embezzled funds:—*held*, the contribution order on St. Mary's parish was illegal, for the balance then standing to its credit ought to have been taken into account before making such order, and could not be treated as non-existing, since the guardians, by taking proper steps, might realize it.

Inequality of Rate.

Ridlington v. Tabnier, 6 Jur. (n. s.) 682.

Basis of church rate in such case.

Demand of fraction of a Farthing.

See Morton v. Bramner, 29 L. J. (n. s.) M. C. 218; 2 L. T. (n. s.) 600; but Bavin v. Hutchinson, 31 L. J. (n. s.) S. M. C. 229; 6 L. T. (n. s.) 504; 25 J. P. 216, shows that the rate in such case should be appealed against. See also Reg. v. Liverpool JJ., 8 Jur. (n. s.) 642; and Hutchins v. Chambers, 1 Burr. 580.

Making Rate in a Parish in the Metropolis, under Local Act, by the new Vestry.

See Vaughan v. Imray, 33 L. T. 29.

For purposes of Burial Board for part only of a Parish.

See Viner v. Tonbridge, 28 L. J. (n. s.) M. C. 251.

Liability of joint and several Occupiers.—Publication need not state that rate has been allowed.

Paynter v. Reg., 10 Q. B. 908.

Held, by the Court of Exchequer Chamber, affirming the judgment of the Court of Queen's Bench in *Reg. v. Paynter*, 7 Q. B. 255, that any one of several joint occupiers is liable for the whole amount of their joint assessment to a poor rate, and that a warrant of distress against any one alone is good. That a poor rate is not invalid because the declaration at its foot is not in the very words

of the form given by schedule to 6 & 7 Will. 4, c. 96; and that notice of publication of a poor rate need not state that the rate has been allowed by justices.

Property liable to Poor Rate—Building Land not to be Built on.

Reg. v. Grand Junction Canal, 23 J. P. 404.

Per curiam, we are all clearly of opinion that the assessment ought to have been made upon land let for a year for the ordinary purposes of land. The land must be rated upon the principle of what would be given for it as land in its natural state, let from year to year, with a covenant not to build upon it.

Empty House in the Intervals of Letting.

See Reg. v. Warwickshire JJ., 24 J. P., 334; 6 Jur. (n. s.) 629; S. C. nom. Reg. v. Bradshaw, 29 L. J. (n. s.) M. C. 176, *post*, p. 34.

Land, the Boundaries of which are unknown.

Reg. v. Woods, 22 J. P. (n.) 368; 23 J. P. 36; 31 L. T. 179; 27 L. J. (n. s.) M. C. 289; 4 Jur. (n. s.) 1233; 1 E. B. & E. 481.

The occupier of a farm of which a certain number of acres are in parish A, and the residue in parish B, is properly rated to the poor rate of parish A, as the occupier of the number of acres in that parish, although the specific acres in either parish are not known. The sessions were not bound to determine the particular portion which was within parish A.

Assessment on Premises in Parish under Local Act—Right of Occupier of part of Premises to deduct Rate from Landlord.

Lobban v. Cook, 3 H. & N. 238; 22 J. P. 643.

The assessment ought to be made upon the landlord or owner of the entire house or tenement, and not on the tenant of part only: where the assessment was made on a tenant of a part in respect of rates for the whole house, and not upon the landlord, the tenant having paid the rates had no right to deduct the amount from his rent.

Land covered with Water—Reservoir—Occupier—Private Act.

See Regent's Canal Company v. Hendon, 20 J. P. 760.

Tithe Rentcharge—Assessment—Deductions.

Reg. v. Goodchild; Same v. Lamb, 22 J. P. 144; Reg. v. Goodchild, 1 E. B. & E. 1; 22 J. P. 144; 31 L. T. 9; 27 L. J. (n. s.) M. C. 233; 4 Jur. (n. s.) 1050; Reg. v. Goodchild & Lamb, 22 J. P. 146; 31 L. T. 9; 4 Jur. (n. s.) 1050; 27 L. J. (n. s.) M. C. 233.

The parish of H, within the Metropolis Local Management Act, was divided for certain purposes, of which rating for the relief of

the poor was not one, into three districts. After such division, the tithes, and subsequently the tithe rentcharges, were divided among the incumbents of the three new parishes in certain fixed proportions, and were subject to the same rates as if they had not been so divided. A poor rate was made for the old parish, in which the rectors of the new parishes were assessed in respect of their tithe rentcharge, and they claimed, in order to arrive at the rateable value of the tithe rentcharge, to deduct from the gross sum allowances in respect of the following items:—1. Rates (other than general rate, lighting rate, and sewers rate); 2. Estimated law expenses in enforcing payment; 3. Estimated expenses of collection other than as above; 4. Land tax; 5. Property tax;* 6. Estimated losses by non-payment; 7. General-rate; 8. Lighting rate; 9. Sewers rate; 10. Estimated profit of rentcharge farmed by yearly tenant; 11. Tenths; 12. Ecclesiastical dues; 13. Curate's salary; 14. Amount paid towards the salary of the minister of the district church; 15. Estimated amount of the rector's personal services:—*held*, that the appellants were entitled to deductions in respect of the items claimed, except sewers-rate, the estimated profit of rentcharge farmed by a yearly tenant, land-tax, and the personal services of the rector, for which no deduction was in any case to be made; that they were not entitled to deduction in respect of the salary of the minister of the district church, if the payment was voluntary, and might be withheld at pleasure, but were entitled to it if the payment was compulsory, and virtually separated from the appellants' emoluments; and that they were entitled to a reasonable deduction in respect of curate's salary, if the population was sufficiently large to make the services of a curate necessary.

Queen Anne's Bounty.

Reg. v. Lamberhurst, 31 L. T. 9; 27 L. J. (n. s.) M. C. 248; 4 Jur. (n. s.) 1050
S. C. nom. Reg. v. Hawkins, 22 J. P. 148.

The vicar claimed to deduct from the gross value of his tithe commutation rentcharge, in order to ascertain its rateable value under the Parochial Assessments Act, a sum made up of interest and part principal annually payable by him as vicar to the governors of Queen Anne's bounty, in liquidation of money borrowed by him from them, under the authority of the 17 Geo. 3, s. 53, and 1 & 2 Vict. c. 23, to rebuild the parsonage house, and secured by a mortgage of all the tithes and profits of the living:—*held*, that the deduction was not authorized by the Parochial Assessments Act.

* The Poor Law Board have been informed by the Commissioners of Inland Revenue, in reply to an inquiry on the subject, that neither the owners of tithe rentcharges nor their lessees are chargeable with income tax under Schedule B. of statute 5 & 6 Vict. c. 35, in respect of such rentcharges. This being the case, there can be no ground for such owners or lessees claiming a deduction from the gross estimated rent, in respect of a tax which is not actually paid by them.

Minister of District Church not liable to be Rated.

Tolleshunt Knights *resp.*, *Freud app.*, 1 E. & E. 753; 33 L. T. 89; 5 Jur. (n. s.) 1080; S. C. nom. *Freud v. Tolleshunt Knights*, 28 L. J. (n. s.) M. C. 169.

By way of endowment of the minister of a new district constituted under the provisions of 6 & 7 Vict. c. 37, 7 & 8 Vict. c. 94, and 19 & 20 Vict. c. 104, the rector of the parish of T. granted to such minister and his successors "one clear yearly rentcharge or sum of 150*l.*, to be payable half-yearly," &c. "to be for ever issuing and payable out of, and charged upon and being part of all that the rectory," &c. The deed gave a power of entry and distress in case of non-payment of the money, but the money had been paid and the power had not been exercised. The parish officers of T. having assessed the minister to the relief of the poor:—*held* he was not liable to be assessed.

Minister of original Parish Church is liable to be Rated to full amount, though Annuity to District Minister is paid out of Rent-charge.

Tolleshunt Knights *v. Freud*, 31 L. J. (n. s.) M. C. 148; 8 Jur. (n. s.) 866, S. C. nom. *Lawrence app.*, *Tolleshunt Knights, resp.*; 2 B. & S. 533; 26 J. P. 422.

Where the rector of a parish, part of which was taken with parts of other parishes to form a new district parish, charged the tithe rentcharge in his occupation, under the New Parishes Acts, with a perpetual yearly sum of 150*l.* as a contribution towards the endowment of such district church:—*held*, the rector was not entitled to claim a deduction of this sum from the assessable value of such tithe rentcharge in his occupation.

Lessee of Tithe Rentcharge.

Groves v. Hernhill, 24 J. P. 341; 29 L. J. (n. s.) M. C.; 179 S. C. nom. *Reg. v. Groves*, 6 Jur. (n. s.) 1014.

G. had a lease of the tithe rentcharge of the parish of H. from the Archbishop of Canterbury, as owner, subject to a payment of 40*l.* a year duly charged on the said rentcharge by the archbishop, payable to the curate of T. The lessee paid the 40*l.* to the curate of T. as required by the lease:—*held*, G. was not entitled to a deduction of the 40*l.* in making his tithe rentcharge assessable to the poor rate.

Two Parishes united—Deduction of Curate's Salary.

Williams v. Llangeinwen, 1 B. & S. 699; 8 Jur. (n. s.) 303; 26 J. P. 164; 31 L. J. (n. s.) M. C. 54; 5 L. T. (n. s.) 309.

Two parishes, though distinct, were so far inseparable that one incumbent had always filled both benefices. W. being appointed rector, and owing to two services going on in the churches of both parishes at one time, such churches being distant from each other, he appointed a curate to serve in one of the churches:—

held, W. was entitled to deduct the curate's salary from the amount of the tithe commutation rentcharge for which he was rated to the poor of that parish.

Deduction of Curate's Salary—Holding Two Cures.

Wheeler v. Burmington, 31 L. J. (n. s.) M. C. 57; 8 Jur. (n. s.) 304; 1 B. & S. 709; 26 J. P. 38; 5 L. T. (n. s.) 845.

A., being curate of W., obtained a lease of the impropriated tithe rentcharge of B., on condition of doing the spiritual duty of B. The two parishes, though anciently connected, were distinct parishes. A. employed a curate for B., as was necessary, and sought to deduct the salary of the latter from his assessment to the poors-rate:—*held*, he was not entitled to such deduction, for A. was in the ordinary position of a pluralist: *Semble*, a lay rector of impropriated tithe rentcharge, who is bound to supply the spiritual service of the cure is not entitled to deduct from his assessment to the poors-rate, the salary paid to a spiritual person to perform that duty.

Tithe Rentcharge—Stipend of Curate.

Reg. v. Scriven with Tentergate, 8 L. T. (n. s.) 352; S. C. nom. *Fawcett v. Scriven with Tentergate*, 11 Weekly Reporter, 689; S. C. nom. *Scriven v. Fawcett*, 27 J. P. 344; S. C. nom. *Scriven with Tentergate v. Fawcett* 32 L. J. (n. s.) M. C. 161, S. C. nom. *Scriven with Tentergate, app. Fawcett, resp.*, 9 Jur. (n. s.) 1125.

Where the income of the incumbent of a parish is made up of a tithe rentcharge, glebe land, and interest of a sum invested in the public funds, and the incumbent necessarily employs a curate to assist him, in assessing the tithe rentcharge to the poor rate, the salary of the curate must be set against the whole income, and a proportionate sum only deducted from the amount of the rentcharge.

Tithe Rentcharge—Local Inclosure Act.

Reg. v. Hemsworth, 3 L. T. (n. s.) 322; S. C. nom. *Reg. v. Wrightson*, 24 J. P. (n.) 788.

Proportion of a rate which the rector of a parish should pay in respect of a commuted rentcharge under a Local Inclosure Act, which awarded the rector's proportion to be "one-fourteenth part of the amount of the rate so made by me as aforesaid:."—The award was held to be bad, as not being in accordance with the local Act.

Rating Railways—Use of Line by another Company.

Leeds, Bradford, and Halifax Railway Company v Armley, 25 J. P. 711.

The railway company entered into agreements giving other companies the use of their line for a long term, and an annual payment, but keeping part of the traffic in their own hands, during the repairs, paying the servants, and receiving a rent for a crossing on the line:—*held*, that the agreements showed that the

company had not parted with the possession, and therefore that they were liable to be rated to the poor rate in respect of their occupation of the railway.

Railways—Deductions—Stations.

Rushton Spencer v. North Staffordshire Railway Company, 3 L. T. (n. s.) 554; 30 L. J. (n. s.) M. C. 68; 4 Jur. (n. s.) 363; S. C. nom. Reg. *v. North Staffordshire Railway Company*, 24 J. P. 821.

In assessing a railway company in respect of the portion of their line passing through a parish, and in respect of station, buildings, and sidings within the same, an allowance must be made for interest on capital and tenants' profits, calculated with reference to the actual value of the rolling stock at the time the rate is made. A deduction should be allowed in respect of such machinery and furniture as are movable, such as office and station furniture; none should be allowed in respect of such things as were so attached to the freehold as to become part of it; and in respect of such things as, though capable of being removed, were yet so far attached as that they were intended to remain permanently connected with the railway, or the premises connected with it, and to remain permanent appendages to it, as essential to its working, no deduction should be allowed. In determining the rateable value of a railway, one question to be considered is, whether on the whole capital employed a greater delay would occur in realizing the returns than is ordinarily incidental to the employment of capital. Also in assessing the company, a deduction ought to be allowed in respect of stations, buildings and sidings along the line of railway, such deduction being calculated on the actual value at which they ought to be assessed.

Railway Station—User at greater Rent than its Value.

Reg. v. Fletton, 3 L. T. (n. s.) 689; 25 J. P. 100; 30 L. J. (n. s.) M. C. 89, 7 Jur. (n. s.) 518.

The appellants, a railway company, and the sole owners of a station, in 1848 entered into an arrangement by deed, with the N. W. Railway Company, by which the latter company were for 999 years to have the joint use of part of the station, and the exclusive use of another part, on certain stipulated terms. In consequence of a subsequent falling off in their traffic, the station became of less value to the N. W. Company, and the real present value to them was much below the sum actually paid by them to the appellants under the agreement. On appeal against a poor rate, it was held, on a case in which the appellants were to be deemed the persons rateable for the whole occupation of the station, that they were assessable on the full amount which they received from the N. W. Company.

Railway Tolls.

Reg. v. Stockton and Darlington Railway Company, 8 L. T. (n. s.) 422;
27 J. P. 518.

Tolls which a company are empowered to take, but which are not in fact taken, are not liable to be rated to the poor rate.

Gross Earnings of Railway—Terminal Charges.

Eastern Counties Railway Company v. Great Amwell, 8 L. T. (n. s.) 419;
S. C. nom. Reg. v. Eastern Counties Railway Company, 32 L. J. (n. s.)
M. C. 174.

Sums set apart from the gross earnings as “terminal charges” are to be considered as part of the general earnings of the line, and not of the particular stations; and in calculating the amount of the gross earnings and expenses of the line in a parish, the terminal charges must be included.

Railway Tolls on Passenger Traffic.

Reg. v. St. Pancras, 8 L. T. (n. s.) 273; 9 Jur. (n. s.) 1102, S. C. nom. North London Railway Company v. St. Pancras, 32 L. J. (n. s.) M. C. 146;
27 J. P. 358.

In fixing the value of the line of railway, the sums paid for tolls to another railway company, on passenger traffic passing over their line in other parishes, should be deducted, as they form no part of the profits of the company.

The following cases, in connection with rating railways, may be referred to, as containing the principles of rating this description of property :—

Reg. v. Midland Railway Company, 15 Q. B. 313; Reg. v. Great Western Railway Company, 6 Q. B. 179; 15 Q. B. 379, 1085; South Eastern Railway Company v. Dorking, 3 E. & B. 491; Reg. v. Grand Junction Railway Company, 4 A. & E. 18; Reg. v. London, Brighton, and South Coast Railway Company, 15 Q. B. 313; North Staffordshire Railway Company v. Rushton Spencer, 30 L. J. (n. s.) M. C. 68; Newmarket Railway Company v. St. Andrew the Less, 3 E. & B. 94; Reg. v. Fletton, 30 L. J. (n. s.) M. C. 89.

Machinery.

Rex v. Birmingham Gas Light Company, 6 A. & E. 634; Reg. v. Guest,
7 A. & E. 951.

Where steam-engines and other machinery are affixed to houses, the houses must be valued with reference to the value which they derive from the steam-engines and machinery, and not merely at what the houses are worth to let without reference to the engines and machinery. So in a rate laid upon buildings to which machinery is attached for the purpose of manufacture, the real property ought to be assessed according to its actual value, combined with the machinery, without considering whether the machinery be real or personal property, and liable or not to

distress or seizure under a *fi fa*, or whether it would go to the heir or executor, or at the expiration of a lease to the landlord or tenant.

Inland Revenue Office.

Smith v. St. Michael, Cambridge, 7 Jur. (n. s.) 24; S. C. nom. Reg. v. Smith, 30 L. J. (n. s.) M. C. 74; 3 L. T. (n. s.) 687.

S. rented a house at 52*l.* 10*s.* per annum; five of the principal rooms were occupied by the surveyor of taxes and by the collector of Inland Revenue, under an agreement, by which S. agreed to let, and the other party agreed to take, the rooms (possession to be given and rent to commence at a given time), for the annual consideration of 90*l.*, this sum to include all expenses, viz., rent, rates, taxes, gas, wood, coals, also providing a trustworthy person to reside on the premises to keep clean, light fires, and to attend to the same. Another room in the house was occupied by the appellant as an office for the vending of stamps by him as distributor for the district, for which purpose he employed an assistant, who also took in orders for him for printing, which he executed on other premises. The remainder of the house, viz., two kitchens and a cellar on the basement, and two bed-rooms and a sitting-room on the second floor, were occupied by a person (with his wife and daughter) who, in consideration of being allowed thus to live in the house, and of the sum of 6*l.* 10*s.*, with coals and candles, cleaned the rooms and lighted the fires. The whole of the sum of 90*l.*, with the exception of 2*l.* 10*s.*, was exhausted in payment of the rent of 52*l.* 10*s.* and the expenses of coals and the above wages and other incidental expenses:—*held*, that S. was the beneficial occupier of the whole house, and liable to be rated in respect of such occupation; and was not entitled to any deduction by reason of part of the benefit being derived from payments made to him by servants of the crown for privileges given to them in that capacity; nor to any deduction in respect of the room which he himself occupied as a distributor of taxes.

Official Residence—Crown Property—Excess of Accommodation.

Reg. v. Stewart, 21 J. P. (n.) 723; 22 J. P. 480; 27 L. J. (n. s.) M. C. 81; 8 E. & B. 360; 4 Jur. (n. s.) 187; Reg. v. Edwards, 21 J. P. (n.) 723; 22 J. P. 480; 4 Jur. (n. s.) 187; 27 L. J. (n. s.) M. C. 81; Reg. v. Lake, 21 J. P. (n.) 723; 22 J. P. 480; 4 Jur. (n. s.) 187; 27 L. J. (n. s.) M. C. 81; Reg. v. Stainsby, 21 J. P. (n.) 723; 22 J. P. 480; 8 E. & B. 360; 27 L. J. (n. s.) M. C. 81; 4 Jur. (n. s.) 187; Reg. v. Breton, 21 J. P. (n.) 724; 22 J. P. 480; 8 E. & B. 360; 27 L. J. (n. s.) M. C. 81; 4 Jur. (n. s.) 190; Reg. v. Foster, 21 J. P. (n.) 724; 22 J. P. 480; 8 E. & B. 360; 30 L. T. 114; 27 L. J. (n. s.) M. C. 81; 4 Jur. (n. s.) 190.

Certain persons holding offices of trust under the crown were required, for the due discharge of their public duties, to occupy premises, the property of the crown, appropriated respectively to the holders of such offices. Each of them had more accommodation than he required for his personal use, or for the discharge of the necessary duties of his office:—*held*, that the excess did not

take away immunity in respect of the part reasonably necessary for the due discharge of the duties or his personal use, but that for all beyond what was so necessary, the liability to be rated existed. In ascertaining what is necessary, regard is to be had to the rank and degree of the officers; and, when the duties require permanent residence, accommodation for a wife and family is not to be deemed unreasonable.—*Seem*, per Erle, J.; a merely trifling excess does not constitute a liability.

Militia Stores.

Reg. v. Fuller, 8 E. & B. 365.

An adjutant having charge of militia stores, under 17 & 18 Vict. c. 109, s. 4, and occupying for that purpose premises provided for such stores, under 17 & 18 Vict. c. 105, s. 2, is rateable in respect of such occupation so far only as he has a use of them exceeding what is necessary for himself and family, taking into account his station in life.

Cemetery.

Reg. v. St. Mary Abbotts, Kensington, 10 L. J. (n.s.) M. C. 25.

The case found that catacombs and vaults were disposed of in perpetuity, and that the purchasers had the keys thereof delivered to them, and that they had done all the requisite repairs, and the company never exercised any acts of ownership in respect of such catacombs and vaults:—*held*, that, looking at the provisions of the company's Act and the finding in the case together, the company were still liable to be rated in respect of the catacombs and vaults.

Post Office—Crown Property—Occupation for Public Purposes.

Reg. v. Smith, 21 J. P. (n.) 276, 694; 26 L. J. (n. s.) M. C. 105; 3 Jur. (n. s.) 769; 7 E. & B. 483.

Certain premises in Birmingham are leased to the postmaster-general for the purposes of a post-office, and are exclusively occupied for these purposes. The rent is paid out of the post-office revenues. On a screen fronting the counter in the room used for sorting are separate open boxes or pigeon-holes, each distinguished by a different number, used for the reception of letters addressed to persons or firms at Birmingham. Every such person or firm has his letters sorted into one of these boxes, and has them delivered at the post-office upon their being called for; and pays a gratuity of from one to two guineas per annum to the post-office department for the accommodation, which payments are appropriated to the public revenue with other moneys arising from the post-office. The postmaster sells stamps on behalf of the post-office, for which he receives a commission on the amount sold, and which on an average amounts to about 200*l.* a year. The postmaster was

rated to the relief of the poor of Birmingham in respect of his occupation of the post-office premises as above-mentioned :—*held*, that this was a case of property in the hands of the Crown by its servants, and applied exclusively to public purposes, and therefore that the appellant was not rateable.

Rateability of County Police Stations.

Stretford v. Lancashire J.J., 1 E. B. & E. 225; 31 L. T. 116; 22 J. P. (n.) 352, 705; 4 Jur. (n. s.) 1274.

A building was used as a district police station for county constabulary. A sergeant of constabulary and his wife and two constables reside on the premises. The sergeant had no children, and occupied the living-room, scullery, pantry, and one bedroom. The two constables took their meals in the constables' day-room, and had each one bedroom. The constables were required to reside on the premises for the purposes of the constabulary, and the accommodation provided for them did not exceed what was necessary for their degree in life :—*held*, that there was no beneficial occupation of the premises, and therefore no liability to poor rate.

County Court.

Reg. v. Manchester, 3 E. & B. 336.

The treasurer of the county court, it was held, had not, nor any one else, such an occupation of the building so as to be liable in respect thereof to poor rate under 43 Eliz. c. 2.

Schools—Licensed Victuallers' Society.

Reg. v. Licensed Victuallers' Society, S. C. nom. *Licensed Victuallers' Society app., Lambeth resp.*, 1 E. B. & S. 71; 4 L. T. (n. s.) 241; 7 Jur. (n. s.) 521; 30 L. J. (n. s.) M. C. 131.

The Society of Licensed Victuallers was incorporated by royal charter, which directed that the business of the society should be conducted by a governor and committee of management; and the members were to meet together four times a year or more, with power to make bye-laws. The society possessed a school-room, house, ground and premises, which were used for the purpose of a school for the benefit of children of licensed victuallers, and for the purpose of holding the quarterly and other meetings of the society upon the general business of the society; and by the bye-laws the meetings were directed to be held at the premises of the school, or at such place as the governor and committee might appoint. The society having been rated to the poor rate, the sewers rate, and the general rate for defraying the expenses of the metropolis, it was *held*, that they had a beneficial occupation of the premises, and that they were rateable in respect thereof.

Canals—Locks—Earnings.

Reg. v. Coventry Canal Company, 28 L. J. (n. s.) M. C. 102; 32 L. T. 293; 5 Jur. (n. s.) 862; 23 J. P. 100.

In assessing to the poor rate of a parish a part of a canal which

passes through several parishes, in order to ascertain its rateable value, the expense of maintaining locks situate in the parish is not to be deducted from the gross earnings of the canal in the parish, as it is not a local expense, and ought to be thrown on the whole line of canal.

Reservoir—Agreement between several Canal Companies.

See *Regent's Canal Company app.*, *Hendon resp.*, 6 E. & B. 852; 3 Jur. (n. s.) 208.

Canal—Rating of in same Proportion as adjoining Land—Rateable Value of Land built upon—Bringing Lands built upon into Hotchpotch.

See *Glamorganshire Canal Company v. St. Mary, Cardiff*, 24 J. P. (n.) 451; 2 L. T. (n. s.) 694; 29 L. J. (n. s.) M. C. 238; 6 Jur. (n. s.) 1146.

Docks—Rateability of.

Tyne Improvement Commissioners v. Chirton, 28 L. J. (n. s.) M. C. 131; 23 J. P. 99; S. C. nom. *Reg. v. Chirton*, 5 Jur. (n. s.) 865; and *Reg. v. Tyne Improvement Commissioners*, 32 L. T. 275.

The docks constituted and managed under the Tyne Improvement Act, 1852, were managed by commissioners who were directed to apply the rates and dues as follows:—1. In payment of the expenses of working, managing, and maintaining the docks; 2. In paying the interest of money borrowed, and if at the expiration of five years there should be any surplus, it was to be applied in reduction of the rates and dues:—*held* (affirming the *Birkenhead Docks case*, 2 E. & B. 148; 21 L. J. n. s. M. C. 219), that the docks were rateable to the poor rate.

Assessment—Deductions.

Reg. v. Tyne Improvement Commissioners. 6 L. T. (n. s.) 489.

The Dock Act gave commissioners power to remunerate themselves out of the dock funds for their services, and in the deductions to be made in the assessment of the dock to poor rate, they claimed, under the head of "disbursements," a sum of 500*l.* as "allowance for direction;" and another sum of 150*l.* for watching, which was done by a police boat, provided and paid for out of other than dock funds. They also claimed, under the head of "moveable plant," a deduction of 1200*l.* for a steamboat, used for towing barges, when filled with mud, out to sea and back; and under the head of "capital for carrying on the dock," 500*l.* for "cash balance," and 500*l.* for "stores on hand," and also a deduction of 4*s.* in the pound for rates and taxes on the gross rateable value of the dock. With reference to these several claims it was held—1. That the deductions for direction and watching, and for cash balance ought not to be allowed; 2. That the deduction

for the steamboat was not allowable, while it was used only for the work of constructing the dock; but if it became necessary for permanent use in removing silt, it would be a deduction in future rates; 3. That the deduction in respect of stores on hand ought to be allowed; 4. That the allowance in respect of rates and taxes should be upon the net rateable value of the property, after the rates and taxes themselves have been deducted.

Claim of Exemption from Poor Rate—Occupation for Public Purposes.

Mersey Docks and Harbour Company v. Jones, 3 L. T. (n. s.) 212;
8 C. B. (n. s.) 114; 30 L. J. (n. s.) M. C. 185; 24 J. P. 742.

The remedy, in such case, is by appeal to the quarter sessions against the rate, not by action in respect of the levy made to enforce the rate.

The dock estates of the Mersey Dock Company consist of docks, basins, piers, graving-docks, gridirons, wharves, quays, offices, buildings, &c.; locks, gates, bridges, roads, railways, cranes, engines, machinery, and other matters and conveniences requisite to form complete docks; and the trustees are authorized by various Acts of Parliament to receive and take certain sums of money, under the name of dock rates and duties, from vessels using the same:—*held*, that the dock company are not liable to be rated to the relief of the poor in respect of the docks, &c., the company holding it for the public benefit—the court being bound by the authority of *Rex v. The Liverpool Docks*, 7 B. & C. 61 (Erle, C. J., reserving a right to reconsider the question if raised hereafter in a court of error): *Seemle, per Erle, C. J.* Property held on behalf of the government of the country, for the purposes of administration, is clearly held for the public benefit; but beyond this no clear definition of holding for the public interest has been given. *Per Byles, J.* There is not, as regards the question of exemption from rating, any difference in principle between the case of a public harbour which any man may enter with his ship, paying a compensation towards its sustentation, and that of a public road which any one may use with his vehicle, paying his contribution towards its repair. (See the Oxford Rate case, *ante* p. 4).

Mersey Docks and Harbour Board v. Jones (in error), 30 L. J. (n. s.) M. C. 239;
5 L. T. (n. s.) 184; S. C. nom. Mersey Docks v. Cameron, 9 C. B. (n. s.) 812.

In 1827 the Court of King's Bench, in the case of *Rex v. The Inhabitants of Liverpool*, decided that the Liverpool Docks were not liable to be rated to the relief of the poor. That decision was never overruled; and many Acts of Parliament for the extension of the docks and the construction of new docks and warehouses were passed subsequently, on the assumption of the law so laid down being correct, which Acts impliedly exempted the new portions of the docks from being rated, by expressly enacting that the new warehouses should be rateable "as if they had been benefi-

cially occupied.” Many millions of money were advanced under these Acts on the security of the dock dues. The point being now raised in a court of error whether the case of *Rex v. The Inhabitants of Liverpool* was good law, and it being urged that a series of later cases showed it to be wrong in principle, it was held, that as it had been acquiesced in and acted on so long, and as Acts of Parliament had been based upon it, it must be taken to have been recognized as law by the legislature, so far as the rateability of the Liverpool Docks was concerned; and that it could not now be questioned on any general principle of law.

Docks—Arbitration Award—Reasons of Award—Power to state Case.

See *London Dock Company v. St. Paul's, Shadwell*, 26 J. P. (n.) 773;
and *post*, p. 32.

Docks in several Parishes.

Reg. v. Hull Dock Company, 18 Q. B. 325; 21 L. J. (n. s.) M. C. 153.

The poor rates upon so much of the docks as lay in any parish must be assessed, not according to the actual receipts in that parish, but to the proportion which the area of docks within that parish bore to the entire area of the docks; for in such a case, an assessment on the acreage principle is unavoidable; though an assessment on the basis of earnings within the parish is preferable, where the nature of the case permits it.

Gas Company—Principle of Rating.

Reg. v. Cambridge Gas Light Company, 33 L. T. 314; 23 J. P. 436.

In this case the following principle of rating was held to be unobjectionable:—Ascertain for what the hereditaments occupied by the company would let from year to year, the tenant paying tenant's rates, &c., and repairs, &c., so as to restore the hereditaments in the same state as they were in at the beginning, and securing to himself a fair profit for the skill and labour employed; taking into account also the receipts and disbursements of the company as an element in the calculation of the sum for which the hereditaments would let from year to year.

Modes of obtaining Rateable Value and apportioning it amongst Parishes.

Sheffield United Gas Company app., Sheffield resp. 9 Jur. (n. s.) 623; 8 L. T. (n. s.) 692; 27 J. P. 439; S. C. nom. *Reg. v. Sheffield United Gas Light Company*, 32 L. J. (n. s.) M. C. 169.

In this particular case it was held, that as regards the principle of rating, the parochial principle was to be applied according to the decision in *Hampton v. West Middlesex Waterworks Company* (1 E. & E. 716; 5 Jur. n. s. 1159)—that if the proper allowance for expenses and for tenant's profits, and interest on capital, had

been made, and the proper value was put upon the stations, works, and buildings, &c., a proper mode had been adopted for obtaining the rateable value of the remaining property, as what was left after the allowances was the rent which an hypothetical tenant would give for the rent of the gas apparatus; and, lastly, that as regards the apportionment amongst the several parishes of the mains and pipes, part must be considered as directly, and part as only indirectly, contributing to the profits.

Waterworks—Pipes in Parish in which there is no Supply—Principle of Rating Buildings and Premises of Waterworks.

Reg. v. West Middlesex Waterworks Company, 32 L. T. 388; 28 L. J. (n. s.) M. C. 135; S. C. nom. West Middlesex Waterworks Company *app.*; Hampton *resp.*, 5 Jur. (n. s.) 1159.

1. The company was *held* rateable for its mains, being fixed capital vested in land, the company being in possession of the mains buried in the soil, and so, *de facto*, in occupation of the space in the soil filled by the mains for a purpose beneficial in itself;
2. That the company was to be rated for so much land and buildings with fixtures and machinery attached, and some additional value from their capacity of being applied to such purposes as those of a water company; such additional value being derived from an increase of demand beyond supply, according to the principle regulating exchangeable value, and not by reference to receipts earned in another parish, beyond assuming that they were sufficient to pay all outgoings, including profits on capital.

Works and Land in another Parish from that of Water Supply.

Liverpool v. West Derby, 6 E. & B. 704; 25 L. J. (n. s.) M. C. 112; 2 Jur. (n. s.) 1002.

The corporation of Liverpool was held rateable in respect of works and land occupied by them in another township, for the purposes of water supply to Liverpool.

Pipes passing through a Parish—Rateable Proportion—Mileage Principle.

Chelsea Waterworks Company v. Putney, 2 L. T. (n. s.) 663; 24 J. P. 486; 6 Jur. (n. s.) 940; 29 L. J. (n. s.) M. C. 236.

A waterworks company had reservoirs in the parish of Putney, and pipes conveying the water to and from the same, but no water was sold in the parish:—*held*, it was not a correct principle of rateability to the poor rate to take the rateable value of the whole apparatus in the several parishes in which it was situated, and then subdivide the amount among these several parishes according to the quantity of land occupied by the apparatus in each parish.

Waterworks—Borough Rate.

Reg. v. Birmingham Waterworks Company, 1 E. B. & S. '84.

This decision was upon the construction of local Acts, and it

was *held* that the reservoir of the company within the borough was rateable to the borough rate at only one-fourth part of its net annual value, and that the pipes and mains of the company within the borough were rateable to the borough rate to the full extent, and not merely to one-fourth part of their net annual value as “land covered with water.”

Market Tolls—Sheds, Land, and Buildings connected with Market—Local Act.

Worcester v. St. Clements, 22 J. P. 319.

Unless the provision made by the local Act for the way in which the tolls are to be applied amounts to a prohibition to provide for the poor rate, such rate is to be paid in respect of the same. The corporation being in possession of the land, with the right of taking tolls, are *prima facie* liable.

Tolls—Anchorage and Beaconage.

Reg. v. Earl of Durham, 28 L. J. (n. s.) M. C. 232; S. C. nom. Bishopwearmouth v. Earl of Durham, 1 L. T. (n. s.) 30; 5 Jur. (n. s.) 1306.

Anchorage and beaconage tolls are rateable to the poor rate in all the parishes in which the port was situate and to which ships paying the toll came, in the proportion of the number of ships coming into each of the parishes respectively.

Pier extending into the Sea beyond Low Water-mark—Rateability of Part within High and Low Water-Marks—Evidence of Parochiality.

Reg. v. Musson, 22 J. P. 95, 609; 23 J. P. 757; 4 Jur. (n. s.) 111; 27 L. J. (n. s.) M. C. 100; 8 E. & B. 900.

The sea-shore is *prima facie* extra-parochial, and therefore the onus of proving it to be parochial so as to be liable to poor rate in respect of some occupation of it lies on the parish officers. The evidence for such purpose will be, by analogy to that for showing the property in the soil of the shore not to be in the Crown, perambulations, common reputation, known metes and divisions, and the like. The occupiers of a pier, which commenced above high water-mark and extended continuously beyond low water-mark into the sea, were assessed to the poor rate in respect of the whole pier. The parish officers gave no evidence to show that part of the shore under the pier between high and low water-marks was in the parish:—*held*, that the occupiers were only liable in respect of the part of the pier covering land above high water-mark.

Floating Pier.

Greenwich v. Forrest, 22 J. P. 130; S. C. nom. Reg. v. Forrest, 27 L. J. (n. s.) M. C. 96; 4 Jur. (n. s.) 480; Forrest *app.*, Greenwich *resp.*, 8 E. & B. 890. See also Reg. v. Leith, 1 E. & B. 121; 21 L. J. (n. s.) M. C. 119; and Reg. v. Morrison, 1 E. & B. 163.

The appellants were rated for the occupation of “land occupied by a platform and other materials used as a pier for landing and

embarking steamboat passengers." The pier rests at low water on blocks fixed for the purpose in the bed of the river Thames; at other times it floats; at all times it is kept in its proper place by iron chain cables fastened to anchors placed in the bed of the river, and by an iron chain attached to an iron post affixed to stone stairs on the bank of the river, constituting a landing-place. It had been in that situation for fourteen years:—*held*, that these facts showed a permanent and profitable occupation of land within the parish, and therefore that the appellants were liable to be rated.

Workhouse—General District Rate.

Reg. v. Toxteth Park, 1 E. B. & E. 167; 7 Jur. (n. s.) 860; 4 L. T. (n. s.) 283; 30 L. J. (n. s.) M. C. 154.

By the Public Health and Local Government Act, the 21 & 22 Vict. c. 98, s. 55, the general district rate is to be "made and levied upon the occupier of all such kinds of property as by the laws in force for the time being are or may be assessable to any rate for the relief of the poor." The township of T. consisted of two parts, one within and one without the borough of L. The guardians built a workhouse and workhouse hospital in the part without the borough, and used them for the poor of the whole union. A local board of health for the part without the borough having made a sewer which was used by the guardians in respect of the workhouse and hospital, assessed them in a general district rate:—*held*, that the appellants (the guardians) were the occupiers of such kind of property as was assessable, &c., to rates for the relief of the poor, and therefore that they were liable to pay the general district rate made by the local board of health.

Rateable Value of occupation of Land without the right to Game.

Reg. v. Thurlstone, 5 Jur. (n. s.) 820; 32 L. T. 275; 28 L. J. (n. s.) M. C. 106; *Reg. v. Williams*, 28 L. T. 76; 5 Jur. (n. s.) 821. See also *Rex v. Ellis*, 1 M. & S. 652, as to Rating Fishery.

A tenant occupied land under an agreement that he was to have no right to the game upon it. He was assessed to the poor rate upon the land valued with the game; but it was held that he ought to be assessed as the occupier of land only, without a right to the game upon it: *i. e.* at a lower amount than the value of the land, supposing the tenant having a right to the game.

43 ELIZ. c. 2, s. 5.

Apprenticeship—Assent of Justices—Jurisdiction.

Staverton v. Ashburton, 4 E. & B. 526.

Under 43 Eliz. c. 2, s. 5, the assent of the justices to the binding of a pauper apprentice was judicial; and it was necessary that the instrument should show on its face, that the justices gave their assent within their jurisdiction. Where this did not appear, the indenture of apprenticeship was invalid; and no settlement could be gained by residence and service under the apprenticeship.

13 & 14 CAR. 2, c. 12, s. 1.

Evidence of Birth Settlement.

Reg. v. Crediton, 31 L. T. 114; 1 E. B. & E. 231; 22 J. P. 722; 27 L. J. (n. s.) M. C. 265; 4 Jur. (n. s.) 926.

The proofs of the marriage of the parents of A. in parish C., in 1779; of the baptism of A. in the parish church in 1780; of the baptism of another child in 1782, and of another in 1790; and the earliest recollection of the last-mentioned child residing with her parents in the parish,—were *held* to afford sufficient evidence of a birth settlement in such parish.

By Apprenticeship—Secondary Evidence.

Reg. v. Broadhempston, 28 L. J. (n. s.) M. C. 18; 32 L. T. 145; 1 E. & E. 154; 5 Jur. (n. s.) 267; 22 J. P. 753.

Upon a question whether G. W. had acquired a settlement by service as a parish apprentice to P., it was proved that in 1824 he and his father were taken by the overseers before the justices; that P. and the overseers were there; that papers were drawn up; that the justices asked the father whether he had any objection to his son being bound apprentice to P; that G. W. went the next day to P., and that he remained with him two or three years. It also appeared from the register-book that one G. P. W. had, in 1824, been bound apprentice to P. The Sessions from these facts inferred that G. W. had been duly bound a parish apprentice to P., and it was held that that they were right in drawing such inference.

Evidence of Amount of Rent.

Reg. v. Birmingham, 1 B. & S. 763; 5 L. T. (n. s.) 309; 26 J. P. 198; S. C. nom. Kingswood *app.*, Birmingham *resp.*, 8 Jur. (n. s.) 37.

Upon an appeal against an order of removal, the respondents, in proof of a derivative settlement by renting a tenement, tendered evidence of the amount of rent paid by the ancestor,—that he, whilst in the occupation of the tenement, said to his son that he occupied the same as a tenant, at a rent of 20*l.* per annum:—This evidence was held admissible to prove that fact.

Evidence—Attestation of Soldier—Regimental Order Book.

Reg. v. Sudbury, 27 J. P. (n.) 276.

An entry of the attestation of a soldier in an old Regimental Book, dated 1799, is not receivable in evidence of the place of birth of the pauper.

Evidence of sufficiency of Search for Indenture.

Reg. v. Braintree, 32 L. T. 90; 4 Jur. (n. s.) 1238; 28 L. J. (n. s.) M. C. 1;
1 E. & E. 51.

Hearsay evidence is sometimes admissible to satisfy the mind of the Court upon a preliminary inquiry, although the facts proved would not be evidence in the cause. Where at the hearing of an appeal against the removal of a pauper it was necessary to prove an apprenticeship, and in order to show that a proper and reasonable search had been made for the indenture, it was proposed to ask witnesses what inquiries they had made of persons who were supposed to be likely to have it in their possession, and also what answers were given to these inquiries, and the Sessions refused to allow such evidence to be given, this Court *held*, that such questions and answers were receivable to prove that the search made was reasonable.

Refusal to receive Pauper on Removal—Indictment of Overseer.

Ex parte Overseers of Downton, 27 L. J. (n. s.) M. C. 281.

In case of overseers refusing to receive a pauper who has been removed under an order of justices, the proper remedy is by indictment, and the Court will not grant a mandamus to compel the overseers to receive the pauper.

13 & 14 CAR. 2, c. 12, s. 2.

Illegitimate Child—Effect of former Order unappealed against.

Reg. v. Caerwys, 30 L. T. 256.

On the trial of an appeal against an order of removal from A. to B., the respondents relied upon a former order of removal, whereby the pauper when six weeks old had been removed to B., together with her mother, and it was *held* that the description of the pauper in that order as "the daughter" of C., who was then removed, did not estop the appellant from disputing her legitimacy, as her illegitimacy would have afforded no ground of appeal against the former order.

Emancipation.

Reg. v. Selborne, 1 L. T. (n. s.) 8; 5 Jur. (n. s.) 1168; 29 L. J. (n. s.)
M. C. 11; S. C. nom. Selborne v. Bethnal Green, 23 J. P. 743.

Service as a police-constable does not operate to cause the emancipation of an infant; even though the person while he is in the force lives at a distance from his parent.

3 W. & M. c. 11, s. 6.

Settlement in the case of Rating Owner of Small Tenement.

Reg. v. St. Giles-in-the-Fields, 26 L. J. (n. s.) M. C. 55; 6 E. & B. 205; 21 J. P. (n.) 68, 564.

Where the landlord of a tenement under 30*l.* yearly value, occupied by R., was assessed to the poor rate under a local act, rendering it obligatory on the parish officers to rate the landlord in such cases; but R. having claimed to be rated under 2 Will. 4, c. 45, s. 30, his name was accordingly inserted, together with that of his landlord, in the rate; and he paid the rate: this was *held* to confer a settlement by rating.

Payment of proportionate part of Poor Rate insufficient to confer Settlement—Borough Watch Rate.

Reg. v. Everton, 29 L. J. (n. s.) M. C. 165; S. C. nom. Everton v. South Stoneham, 2 L. T. (n. s.) 231; 6 Jur. (n. s.) 606; 24 J. P. (n.) 307, 692.

A pauper was charged with a year's poor rate, but, removing during the current year, he paid only part of it to the overseers:—*held*, this was not a ground of settlement within 3 W. & M. c. 11:—*held, further*, that payment of a watch rate made under the Municipal Corporations Act upon a parish within the borough (though persons occupying property more than 200 yards from the street were exempted), was a payment of a public tax or levy, and gave a settlement:—*held, further*, payment of one of several distinct and independent taxes is sufficient to give a settlement.

Occupation for a Year, and Payment of Rates.

Reg. v. Westbury on Trym, 7 E. & B. 444; 3 Jur. (n. s.) 690; 26 L. J. (n. s.) M. C. 76.

The statute 6 Geo. 4, c. 57, s. 2, requires a year's occupation as well as forty days' residence, in order that a settlement may be acquired by payment of parochial rates in respect of a tenement not being the pauper's own.

Rating Wife living apart from Husband—Settlement by Husband not thereby acquired.

Reg. v. St. Anne, Westminster, 29 L. J. (n. s.) M. C. 78; 6 Jur. (n. s.) 249; S. C. nom. St. Anne, Westminster v. Birmingham, 24 J. P. (n.) 68, 485, and Birmingham v. St. Anne's, Westminster, 1 L. T. (n. s.) 367.

A man and his wife lived apart, and the wife acquired by devise a house in the parish where she lived as occupier thereof, being rated in her married name. The husband after some months joined the wife, and while living with her she paid a rate. Soon afterwards he left and never returned, the wife being still rated and paying rates in her own name. The parish officers had no knowledge of or dealings with the husband as a ratepayer:—*held*, that the husband had not obtained a settlement in the parish, inasmuch as the parish officers did not know of his existence, or treat him as virtually rated.

Wesleyan Minister Occupying Tenement rented by Wesleyan Society.

Reg. v. Tiverton, 3 L. T. (n. s.) 696; 30 L. J. (n. s.) M. C. 79; S. C. nom, Tiverton *app.*, Mangotsfield *resp.*, 7 Jur. (n. s.) 209.

By the practice of the Wesleyan congregation, certain persons are appointed stewards for a given circuit, and are called circuit stewards. It is their duty to take houses as residences for the ministers officiating within the circuit. If the rent and rates due in respect of such houses are paid by the minister, the amount is repaid to him by the circuit stewards. It is the custom to appoint a minister to officiate in a given place for one year certain, and to remove him after the lapse of three years. A minister who resides in a house so taken by the circuit stewards does not gain a settlement by renting a tenement or by payment of rates and taxes, although he has been assessed to and has paid the poor rates in respect of the house so occupied by him.

3 W & M. c. 11, s. 7.

Hiring and Service—Local Custom as to Hiring.

Reg. v. Twemlow. 20 J. P. 645.

The usage in the county of Chester is, for servants who are hired for a year, to begin their service on the 2nd January, and end it on the 26th December; the object being, that the servants should have the Christmas holidays—the days from the 26th December to the 2nd January—to themselves. To prove a settlement by hiring and service, evidence was given of a hiring for a year in that county, and service commencing on the 2nd January, for a whole year, except the days from the 26th December to the 2nd January. The Sessions found the custom to be as alleged:—*held*, that the master must be taken to have dispensed with the services of the pauper for the period from the 26th December to 2nd January, and that the settlement was acquired.

3 W. & M. c. 11, s. 8.

Apprenticeship—Secondary Evidence of Deed.

Reg. v. Hinckley, 8 L. T. (n. s.) 270; 32 L. J. (n. s.) M. C. 158; 9 Jur. (n. s.) 1054.

Secondary evidence was admitted of the contents of an indenture of apprenticeship, to prove a settlement by apprenticeship, without showing that the papers of the master had also been examined, as the presumption would be, after so long a period as had elapsed, that as the apprentice was alone interested in the preservation of the deed, the instrument, if not found with him, was lost.

Last Night of Apprenticeship—Sleeping in several Parishes.

Reg. v. Barton-upon-Irwell, 32 L. J. (n. s.) M. C. 102; 9 Jur. (n. s.) 795; S. C. nom. Barton v. Hulme, 27 J. P. (n.) 116; 7 L. T. (n. s.) 853.

Sleeping in a parish in furtherance of, and under the apprenticeship, would be a sleeping in a parish so as to confer a settlement in the parish in which the apprentice slept for the last night of his apprenticeship.—When the sleeping at a particular place is not matter of mere indulgence, it is in pursuance of the apprenticeship. (*Rees v. Ilkeston*, 4 B. & C. 64). If the apprentice sleeps the last night of his apprenticeship in what must be taken to be his ordinary lodging, the apprenticeship continued on that night.

Compulsory Apprenticeship.

St. Nicholas, Rochester, v. St. Botolph Without, Bishopsgate, 31 L. J. (n. s.) M. C. 258; 12 C. B. (n. s.) 645; 9 Jur. (n. s.) 101.

By a local Act certain property was vested in the guardians of the city of Canterbury, for the benefit of the poor of the city, and the guardians were required to give a bond to provide for and maintain 16 poor boys of the city, and to cause them to be instructed, &c., and to "put them and every of them, out apprentices, after they and every of them respectively should have attained their respective ages of 13 years, and before their said ages of 15 years." This Act was held not to authorize the guardians to apprentice a boy without his assent, especially if the boy was beyond the age of 15; and that, consequently, where the boy never executed the indenture, and was 17 when the guardians apprenticed him, the indenture was invalid, and the boy did not acquire a settlement under it.

Presumptive Evidence of Indentures.

Reg. v. Fordingbridge, 31 L. T. 197; 22 J. P. 383; 23 J. P. 38; 4 Jur. (n. s.) 951; 27 L. J. (n. s.) M. C. 290; E. B. & E. 678.

After due, but fruitless search, for an indenture, proof that a deceased person more than sixty years ago, served A. in the apparent position of an apprentice, raises the presumption that he was bound apprentice by indenture, and is sufficient to sustain a settlement by apprenticeship. The statement of a deceased person respecting his indenture of apprenticeship is not admissible to prove that the deed ever existed.

An Articled Clerk is an Apprentice.

Clapham v. St. Pancras, 2 L. T. (n. s.) 210; 24 J. P. 277, 613; 29 L. J. (n. s.) M. C. 141; 6 Jur. (n. s.) 700.

An articled clerk to an attorney is an apprentice within the meaning of 3 W. & M. c. 11, s. 8, and may gain a settlement in a parish by service as such.

3 W. & M. c. 11, s. 9.

Appeal—Error—Motion to enter and respite.—Conditional Order of Deputy Recorder—Mandamus.

Reg. v. Berwick, 7 L. T. (n. s.) 670; 27 J. P. 87.

A notice of appeal against an order of removal, by mistake stated the county instead of the borough sessions, and a correct notice was afterwards delivered, but too late. At the borough sessions intended, an application was made to enter and respite the appeal, and the deputy recorder reserved the motion, subject to the recorder thinking fit to grant it, and the latter at the next sessions refused it. Under these circumstances the court *held* that no mandamus lay to compel the recorder to hear the appeal.

3 W. & M. c. 11, s. 10.

Appeal—Next Practicable Sessions.

Reg. v. Peterborough JJ., 26 L. J. (n. s.) M. C. 153; 3 Jur. (n. s.) 887; 7 E. & B. 643; 22 J. P. 20; see also Reg. v. Surrey JJ., 2 N. S. C. 155; Reg. v. Sevenoaks, 14 L. J. (n. s.) M. C. 92; 7 Q. B. 136.

Under the circumstances of the case it was *held* upon an application for a mandamus to the justices to enter continuances and hear an appeal, that the sessions in October, held next after the 7th October, when notice of appeal for the next sessions was received by the respondents, were the next practicable sessions, and that the Epiphany sessions were right in refusing to hear the appeal. The next practicable sessions are the sessions at which there might be a trial of the appeal by reasonable diligence; but the appellant parish is not to be guilty of laches and delay, and so put off the sessions.

Refusal to receive Pauper—Remedy.

Ex parte Downton, 27 L. J. (n. s.) M. C. 281; Weekly Reporter (1858) 224.
See *ante*, p. 24.

5 & 6 W. & M. c. 11, s. 3.

Costs of Prosecution by Guardians.

Reg. on the prosecution of the Guardians of the West London Union v. ———, 15 Q. B. 1060.

A child six years old was found wandering in the parish of S. within the West London Union. It appeared to be destitute and to have been assaulted and very ill-used. It was received into the union workhouse and there maintained chargeable to S. On being taken before two aldermen they urged the guardians of the union to undertake the prosecution of the person who appeared to have ill-used the child. The guardians did so; the defendant removed the case into the Court of Queen's Bench by certiorari and was convicted:—*held*, that the guardians were entitled to costs of the prosecution under 5 and 6 W. and M. c. 11, s. 3, having prosecuted as officers, on account of a fact that concerned them as officers to prosecute.

8 & 9 W. 3, c. 30, s. 3.

Costs—Appeal—Error in Sessions.

Reg. v. Leeds, 3 L. T. (n. s.) 699.

The justices of a borough made an order for the removal of a pauper, against which notice of appeal was given by the overseers to the sessions of the county in which the borough was situated, instead of to the borough sessions, and on discovering their error, a letter was written one day before the holding of the borough sessions abandoning the notice, whereupon the respondents attended at the last-named sessions, and obtained an order for their costs; to which they were held entitled.

9 GEO. 1, c. 7, s. 3.

Order of Removal—Jurisdiction of Justices for adjoining County.

Reg. v. Tiffeld, 22 J. P. 784.

An order made, in fact, at Stoney Stratford, in Bucks, and purporting to be made at Stoney Stratford, without naming the county, by magistrates who were justices of the two adjoining counties of Bucks and Oxford, for the removal of a pauper from a parish in Oxfordshire into one in Northamptonshire, is bad. The 35th section of 11 and 12 Vict. c. 42, qualifies the enactment in s. 6 of the same statute, and justices for adjoining counties cannot act in one for the other in respect of any matter excluded from the operation of s. 35.

9 GEO. 1, c. 7, s. 5.

Settlement by Estate—Purchase—Grant of Lease for Lives.

Reg. v. Belford, 32 L. J. (n. s.) M. C. 156; 7 L. T. (n. s.) 785, S. C. nom.

Belford v. Berwick-upon-Tweed, 27 J. P. (n.) 119, 325.

In 1831, A. agreed with B. to build a house according to certain specifications, on land then belonging to B., in consideration of which undertaking, and of an annual rent charge of 25s., a lease of the land for three lives was to be granted. The house was built at a cost of £85, whereupon the lease was granted :—*held*, that this was the purchase of an estate or interest for a consideration of more than £30, and therefore conferred a settlement under 9 Geo. 1. c. 7, s. 1.

*Settlement by Marriage with Daughter of Deceased Wife's Sister—
Illegitimacy.*

Reg. v. Brighton, 30 L. J. (n. s.) M. C. 197; 5 L. T. (n. s.) 56.

A marriage contracted with the daughter of the sister of a deceased wife is void, and no settlement can be derived through such a marriage. It makes no difference whether the sister of the deceased wife be or be not legitimate.

Settlement by Estate—Marrying Woman who rents a House on a Weekly Tenancy—Continuing Residence.

Thornton v. Heckmondwyke, 24 J. P. (n.) 292, 694; S. C. nom. Reg. v. Thornton, 2 L. T. (n. s.) 212; 29 L. J. (n. s.) M. C. 162; 6 Jur. (n. s.) 799. See also Rex v. Barnard Castle, 2 A. & E. 108; and Rex v. Ilmington, Burr. S. C. 566.

Where a man marries a woman who rents a house from week to week, and he resides more than forty days in the house, paying the rent, he acquires a settlement by estate in the parish where the house is situated; for the wife's tenancy from week to week became vested in the husband by marriage; and the residence for forty days during the continuance of the estate so acquired was sufficient, notwithstanding that the tenancy was not for forty days certain.

9 GEO. 1, c. 7, s. 8.

Appeal—to what Sessions.

Reg. v. Skircoat, 5 Jur. (n. s.) 1010; 33 L. T. 300.

An order of removal was made on 13th September, 1858, notice of appeal was given on the 2nd October, and by the practice of the sessions ten days' notice of appeal was required. The next sessions were held on the 18th October, when the appellants entered and respited their appeal. On the 18th December, appellants served on the respondents a notice of their intention to try the appeal at the sessions to be held on 4th January, 1859, and grounds of appeal. This was held to be a good notice, and that the appellants had a right to try at the January sessions because the October sessions had adjourned the appeal till January, although in fact they ought not to have adjourned it.

Respiting Appeal.

Ibid.; see also Reg. v. Peterborough JJ., 21 J. P. 324; 22 J. P. 20; 26 L. J. (n. s.) M. C. 153.

Entering and respiting should not be as a matter of course. The Sessions should in all cases exercise its judgment whether the justice of the case requires that it should be adjourned.

13 GEO. 2, c. 18, s. 5.

Certiorari—Notice to Justices—Form of it.

Reg. v. Suffolk JJ., 18 Q. B. 416; 21 L. J. (n. s.) M. C. 169.

Notice of an intention to move for a certiorari under 13 Geo. II., c. 18, s. 5, would be properly served if served on a justice who, being an interested party, was present at the hearing of an appeal, though he took no part in the proceedings, as a justice "by and before whom the order of sessions was made." A statement in the notice that application would be made for a certiorari "on behalf of the inhabitants" of the respondent parish, or signed "J. M., attorney for the inhabitants of the respondent parish," is sufficient.

16 GEO. 2, c. 18, s. 3.

Order for Costs made by interested Judge—Deputy Recorder.

Reg. v. Cambridge, 4 Jur. (n. s.) 334; 27 L. J. (n. s.) M. C. 160; 21 J. P. (n.) 85, 324, 720.

Where upon the hearing of an appeal against a poor rate the deputy recorder at the borough sessions made an order for the amount of the taxed costs, he being at the time a ratepayer within another parish in the same union, it was *held* that the order for costs, being a judicial act, was void, on the ground that the deputy recorder was interested in the matter of the appeal.

17 GEO. 2, c. 3, s. 1.

Publication of Poor Rate.

According to the language of this statute and the case of *Reg. v. Newcombe*, 4 T. R. 368, the publication of a poor rate must be made on the Sunday next after the date of allowance by the justices. If this be not done the publication at any future time will not cure the defect. The proper course in such case is to take the rate again to the justices and get it allowed, and then to publish it in due time.

Publication of Rate on Church Doors.

Burnley v. Methley, *post*, p. 70.

Publication by affixing a notice upon the church-door previously to the evening service is sufficient.

Refusing to give Copy of Rate—Penalty.

Tennant v. Creston, 15 L. J. (n. s.) M. C. 105.

Section 3 of 17 Geo. 2, c. 3, is not repealed by 6 and 7 Will. 4, c. 96; therefore an overseer who refuses, upon demand, to give an inhabitant copies of the poor rate is still liable to the penalty imposed by 17 Geo. 2, c. 3.

17 GEO. 2, c. 38, s. 1.

Inspection of Churchwardens' Accounts.

Reg. v. Daventry, 5 Jfr. (n. s.) 940.

There is no general right in parishioners to inspect the churchwardens' books; and the court refused a mandamus to the churchwardens to allow an inspection where a special ground was not stated.

Offices for Overseers.

Ex parte Spotland. 2 L. T. (n. s.) 214; 24 J.P. (n.) 323.

Overseers cannot hire premises to be used as their offices and for keeping ratebooks, &c. (But now see 24 and 25 Vict. c. 125.)

17 GEO. 2, c. 38, s. 3.

Parish Books—Refusal of Overseer to deliver up his Books.

Groome v. Forrester, 5 M. & S. 314.

Where an overseer was convicted under the statute for refusing and neglecting to deliver over a certain book belonging to the parish, and adjudged that he should be committed "until he should have yielded up all and every the books concerning his said office of overseer, belonging to the parish," the conviction was held void, as to the adjudication respecting the imprisonment, for excess, the same extending beyond what was previously required of the person convicted, and a warrant of commitment founded on the conviction was also held void *in toto*, for which trespass would lie against the justices although the conviction had not been quashed.

17 GEO. 2, c. 38, s. 4.

Omission of Property from Rate.

Reg. v. Cheek, 9 Q. B. 942; 11 Jur. 86.

On a mandamus commanding justices to issue a warrant of distress for poor rate against a rated inhabitant, the court in the exercise of their discretion refused to allow the return to be made on his behalf and framed by him under 1 Will. 4, c. 21, s. 4, the justices opposing, and it appearing that the objections to the rate relied upon were technical or frivolous, and such as, if valid, might have been made on appeal, and that the person rated was actuated by a wish to harass the parish; and not deposing to his belief in the validity of the proposed objections.

Appeal—Ibid.

Rex v. George, 6 A. & E. 305.

A parishioner has no right of appeal against a poor rate on the ground that he is not rated, no particular grievance being shown, and it appearing that no rate was laid on similar property in the parish.

Poor Rate—Appeal—Arbitration.

London Dock Company v. Trustees of Shadwell, 27 J. P. 324.

If an appeal be referred to arbitration, with power to the arbitrator to state a case for a court of law, and the arbitrator gives his award, and afterwards states in writing the principle on which he proceeded, the appellant cannot apply to send back the award to the arbitrator, because there is power in the agreement to require a case to be stated, which was neglected to be exercised.

Appeal against Poor Rate.

Reg. v. Street, 22 L. J. (n. s.) M. C. 18 Q. B. 682; 16 Jur. 1085; 22 L. J. (n. s.) M. C. 29.

Sanction of the vestry is not necessary before the overseers con-

test an appeal against the poor rates of the parish, and they may charge the costs of the appeal on poor rates.

How when Notice of Appeal is not given under 41 Geo. 3, c. 23, s. 6.

Reg. v. Eyre, 26 L. J. (n. s.) M. C. 14.

Where a person has appealed against a poor-rate, on the ground that other persons are omitted or under-rated, and has served the notice of appeal on the parish officers, but not on the persons objected to, as required by 41 Geo. 3, c. 23 s. 6, the next sessions are bound to enter and respite the appeal under 17 Geo. 2, c. 38, s. 4.

Respiting Appeal—Notice—Dismissal.

Reg. v. Eyre, 26 L. J. (n. s.) M. C. 121; 7 E. & B. 609; 22 J. P. 37, 38.

Where an application to sessions to respite an appeal is opposed, and on the sessions calling on the appellant to proceed with the appeal, which he declines to do, the sessions may dismiss the appeal with costs, as they are not bound to respite after notice of appeal has been given.

Appeal—Entry and respite of—Quarter Sessions.

See Shrewsbury and Hereford Railway Company v. Leominster, 21 J. P. (n.) 54, (n.) 149.

Liability of Attorney for Expenses of Witnesses on Appeal—Expense of Survey to support Assessment.

Lee v. Everest, 2 H. & N. 285; 22 J. P. 55.

The defendant, an attorney and parish clerk of E., employed the plaintiff, a surveyor, to make certain surveys and valuations, in order to qualify himself as a witness to support the valuations upon which certain assessments to the poor's rate in respect of premises within the parish had been made, and against which notice of appeal had been given. The plaintiff accordingly made the surveys and valuations, and gave evidence in support of the rates on the hearing of the appeals:—*held*, that the parish officers and not the defendant, were liable to the plaintiff for his expenses.

Justices must levy Rate when there has been no Appeal.

Reg. v. Kingston-upon-Thames JJ., 27 L. J. (n. s.) M. C. 199; 1 E. B. & E. 256.

The justices cannot refuse their warrant for levying a poor rate where there has been no appeal, and the parish officers will be entitled to a rule commanding the justices to levy the rate.

Abandoning Appeal.

Ex parte Fletton, 24 J. P. (n.) 291, 709; 2 L. T. (n. s.) 174.

Parish officers may drop an appeal which was defended by their predecessors, if they consider it advisable to do so; but the appellant would be entitled to a judgment in his favour at quarter-sessions, which, if it contain an award of costs against the parish, may be enforceable against the present overseers.

Appeal—Occupation or Non-Occupation.

Reg. v. Warwickshire JJ., 2 L. T. (n. s.) 233; 24 J. P. (n.) 324, 727; S. C. nom. Reg. v. Bradshaw, 29 L. J. (n. s.) M. C. 176; see also Marshall v. Pitman, 9 Bing. 595.

The question of occupation or non-occupation may be raised before the justices on application for a distress warrant; but if the person who is the visible occupier objects that his occupation is not beneficial, that is a matter of appeal to the quarter sessions; and the justices in petty sessions cannot entertain it, but must issue their distress warrant.

Property Exempted.

Mersey Docks Company v. Cameron, 4 L. T. (n. s.) 53.

Action of replevin is not maintainable for levy. The remedy in such case is by appeal.

17 GEO. 2, c. 38, s. 7.

Distress for Rates—Second Distress when Distraintee prevented removal of Goods under the first Distress—When lawful.

Lee v. Cooke, 3 H. & N. 203; 22 J. P. 177; 27 L. J. (n. s.) Lich. 337.

Commissioners authorized to distrain for arrears of drainage rates, seized as such distress a bean-stack standing on the land of L., a person liable for the arrears, and sold it under the distress. When the purchaser attempted to remove the stack, he was prevented by the violence of L., who assaulted him, and afterwards converted the stack to his own use. The purchase money was not paid to the commissioners:—*held*, that as the commissioners were prevented realizing the rates out of the distress by the unlawful conduct of L. himself, they were justified in distraining a second time upon the goods of L. for the same rates.

17 GEO. 2, c. 38, s. 11.

Levy of Arrears of Rates by succeeding Overseers.

East Dean v. Everett, 3 L. T. (n. s.) 700; 7 Jur. (n. s.) 124; 25 J. P. 565.

Arrears of poor-rate can be levied under 43 Eliz. c. 2, s. 4, by overseers other than the immediate successors of those who made the rate; and 17 Geo. 2, c. 38, s. 11, has not the effect of confining this right to the immediate successors.

17 GEO. 2, c. 38, s. 12.

Occupation of Premises subsequent to making a Rate.

Reg. v. Eddowes, 28 L. J., Q. B. (n. s.) 84; 5 Jur. (n. s.) 469.

Held not to confer a qualification for office of commissioner under a local Act.

Retrospective Rates.

Waddington v. Governors of City of London Union, 22 J. P. 703, 755; 28 L. J. (n. s.) M. C. 113; 1 E. B. & E. 370. See also Attorney General v. Wilkinson, 32 L. T. 386; 23 J. P. 211; 28 L. J. (n. s.) ch. 392; 29 L. J. (n. s.) ch. 41; 5 Jur. (n. s.) 538; and City of London Union v. Acocks, 24 J. P. 502; 8 C. B. (n. s.) 760. See *ante*, p. 6.

Apportionment of Rate according to Period of Occupation.—Local Act.

Reg. v. Wills, 22 L. T., Q. B. 220.

By a local Act it was provided that in case any person shall remove out of, or from, or quit the possession of any house, &c., before the rates charged thereon shall be paid; or if any person shall enter into the occupation of any house, &c., out of or from which any other person shall have so removed before payment of the said rates; or which at the time of rating the same shall be empty or unoccupied,—then the person so removing, and the person entering, shall respectively be liable to the payment of all such rates, in proportion to the time such persons respectively possessed or occupied the same, in like manner as if the person so removing had remained in possession, or the person so entering had been originally rated:—*held*, by the Court of Queen's Bench, that this clause did not exempt a person who occupied at the time when the rate was made, but quitted during the currency of the rate, and was not succeeded by another tenant, from liability to pay the whole amount of the rate charged on the premises. Under the general law, it is quite clear that the occupier at the time when the rate was made is liable for the whole of the rate; and therefore the party who claims exemption must show that he is entitled to it.—*Per* Lord Campbell, C. J.

17 GEO. 2, c. 38, s. 13.

Rent of an Office by Overseers.

Ex parte Spotland, 2 L. T. (n. s.) 214; 24 J. P. 323.

The Act does not give the overseers authority to hire a place to carry on their business; only to provide a place to deposit books and documents in: they don't want gas and fire for that purpose.—*Per* Blackburn, J.

25 GEO. 2, c. 36, s. 5.

Liability of Overseers.

Burgess v. Boetefeur & Brown, 13 L. J. (n. s.) M. C. 122.

In an action against the overseers by two inhabitants, founded upon this statute, it was *held* that, though the defendants were not overseers at the time of the trial, they were overseers at the time the prisoner was brought up for judgment, and therefore that the action was properly brought. *Query*—whether church-wardens are overseers within the Act.

Payment of Reward.

Clarke v. Rice, 1 B. & A. 694.

Where two inhabitants of the parish took upon themselves to conduct the prosecution, they were held not entitled to the reward. The prosecution should have been conducted by the parish constable.

What Sessions—Borough.

Reg. v. Charles, 7 Jur. (n. s.) 1308.

Where a recognizance has been entered into under this section, the jurisdiction of the borough sessions to try the offence is not taken away.

26 GEO. 2, c. 14.

Justices' Clerks' Fees—Invalidity of Table of.

Bowman v. Blyth, 7 E. & B. 47; 21 J. P. 244; 22 J. P. 5; 3 Jur. (n. s.) 359; 26 L. J. (n. s.) M. C. 57. Confirmed in error for Q. B. 29 L. T. 312; 8 E. & B. 7.

The enactment in the 26 Geo. 2, c. 14, s. 1, that tables of fees to be taken by justices' clerks, made by the justices in quarter sessions, shall be "approved by the justices of the peace at the next succeeding general quarter sessions of the peace," and laid before the judges at the next assizes, is imperative. Where, therefore, the approving of the tables was adjourned from the next succeeding quarter sessions to the then following quarter sessions, at which the tables were approved and afterwards ratified by the judges:—*held*, that the Act had not been complied with, and that the tables were invalid.

14 GEO. 3, c. 78, s. 77.

Fire Rewards.

Reg. v. Combe, 13 Q. B. 179.

Under 14 Geo. 3, c. 78, ss. 76, 77, a magistrate has jurisdiction to fix the amount of reward to be paid to the keepers of engines brought to extinguish fires, and order it to be paid, although the parish officers do not originate any proceeding before him for that purpose.

18 GEO. 3, c. 19, s. 4.

Prosecution for Assault on a Constable is not the business of the Parish.

See *Rex v. Bird*, 2 B. & Ald. 522.

Nor Prosecution for a Misdemeanor.

See *Rex v. Saville*, 5 B. & Ald. 180.

But Fees for Justice's Warrants to apprehend Vagrants are within the Act.

See *Reg. v. Chelmsford*, 5 Q. B. 66; 12 L. J. (n. s.) M. C. 139.

22 GEO. 3, c. 83.

Parishes not legally in Gilbert's Incorporation—Union of such Unions.

Reg. v. Shaw, 2 L. T. (n. s.) 435; 24 J. P. 390; 29 L. J. (n. s.) M. C. 211;
24 J. P. 390.

Two sets of townships united themselves into two unions under the 22 Geo. 3, c. 83. One of such unions not having any poor-house, arranged with the other which had, that their paupers should be received into it; expenses were incurred in enlarging the poor-house for such increased accommodation, and a debt was incurred. The management of the poor-house was in the hands of the union to which it belonged, the other union paying periodically to the treasurer of the first union the cost of maintenance of its own paupers. At the audit of the accounts of one of the townships composing the union having no poor-house of its own, certain items were disallowed in respect of interest paid upon the before-mentioned debt, the maintenance of paupers in the house, and certain lunatic paupers sent by the poor-house authorities to an asylum:—*held*, that the disallowance was correct; for that one such union could not avail itself of the poor-house accommodation of another such union.

Lunatic Order under 16 & 17 Vict. c. 97, s. 97, on Parish in a Gilbert's Union.

See *Reg. v. Bramley*. See *post*, p. 114.

35 GEO. 3, c. 101, s. 1.

Order of Removal—Justice of Quorum.

Reg. v. Llangian, 8 L. T. (n. s.) 422; 32 L. J. (n. s.) M. C. 225.

Since the 35 Geo. 3, c. 101, neither of the removing justices need be of the quorum; and a pauper removed by an order of the mayor and ex-mayor of a municipal borough within 5 & 6 Will. 4, c. 76, which had no separate commission of the peace, was well removed.

35 GEO. 3, c. 101, s. 2.

The Suspension of an Order of Removal can only be made at the time when the Order itself is made.

Reg. v. Llanellehid, 29 L. J. (n. s.) M. C. 102; 24 J. P. (n.) 84; 548, S. C. nom. Llanellehid *resp.*, Pistyll *app.* 1 L. T. (n. s.) 326; 6 Jur. (n. s.) 198.

Justices have no power, after having made an order of removal of a pauper, to suspend the order, merely because after the date of the order, and before actual removal, the pauper has become too ill to be removed. The legislature has not provided for such a case, but contemplated that the application to suspend the order should be made at the time of applying for the removal.

Costs of Relief under Order of Removal—To what period Payment may be enforced—Pregnancy of Pauper—Delay in Removal—Expenses of Maintenance until actual Removal—Enforcing Order for Expenses—Limitation of Time.

See Collumpton v. Brighton, 3 L. T. (n. s.) 318; Hill v. Thorncroft, 24 J. P. (n.) 741, *post.* p. 64.

Order of Removal—Mother and Child—Age of Nurture—Illegitimacy.

See Reg. v. Caerways, 22 J. P. (n.) 52.

Justices cannot inquire into the propriety of an Order of Removal, although there is no Appeal against it, if the charges are under £20—but if good on the face of it, must issue Warrant of Distress.

Reg. v. Higginson, 8 Jur. (n. s.) 1176; 1 B. & S. 471; 31 L. J. (n. s.) M. C. 189; S. C. nom. Reg. v. York, N. R. JJ. 26; J. P. 629.

Where an order of two justices, for payment of charges incurred under a suspension of a removal order, is sought to be enforced under 35 Geo. 3, c. 101, s. 2, before one justice, and the order is valid on the face of it, such justice cannot entertain objections to the merits, whether there was an appeal to quarter sessions or not; his duty is merely ministerial, and he must enforce it by warrant of distress.

41 Geo. 3, c. 23, s. 1.

What is not the next effective Rate.

Reg. v. Surrey JJ., 31 L. T. 161; S. C. nom; Reg. v. Kingston-upon-Thames JJ., 27 L. J. (n. s.) M. C. 201; Reg. v. Mason, 4 Jur. (n. s.) 758; Reg. v. Lambert, *ibid.* 759.

A rate made in February being quashed on appeal, another rate was made in June; but, being in want of funds, it was agreed that this rate should be collected in full, and the sums paid on account of the quashed rate allowed out of the rate to be made in October:—*held*, per Lord Campbell, C. J., and Wightman, J., that the October rate was not the next effective rate within the

meaning of 41 Geo. 3, c. 23, and that the parish officers could not allow the sums paid for the quashed rate out of it: but *per* Erle and Crompton, J.J., under the circumstances, the court ought not to grant a mandamus to compel the justices to issue their warrant to enforce payment of the October rate in full.

How when subsequent Rate is excessive—Payment before Quashing—Giving Credit.

Reg. v. Kingston-upon-Thames JJ., 31 L. T. 162; 1 E. B. & E. 259;
22 J. P. (n.) 36.

A ratepayer who was not assessed in the February rate referred to in the foregoing case, was assessed in full in the October rate, which was excessive, and refused to pay the full amount; but it was held that the October rate not being appealed against, he was liable to pay it in full, and the court granted a mandamus to the justices to levy it.

41 GEO. 3, C. 23, S. 4.

Liability of Overseers for Costs in respect of acts done in their public capacity—Costs of defending an Appeal against their Accounts.

Rex v. Johnson, 5 A. & E. 340.

Overseers' accounts being allowed by the justices, and an appeal against them dismissed, the allowance and order of sessions were brought up by certiorari, and an item appeared to be for the expenses of defending an appeal against the overseers' accounts. The court thereupon quashed the allowance and order, such an item being bad on the face of it, inasmuch as no supposable facts could justify it.

41 GEO. 3, C. 23, S. 6.

Notice of Appeal not served on Party interested—Respiteing.

Reg. v. Eyre, 26 L. J. (n. s.) M. C. 14; 6 E. & B. 992; 2 Jur. (n. s.) 1207;
3 Jur. (n. s.) 910, 912.

Where a person has appealed against a poor rate on the ground that other persons are omitted or under-rated, and has served notice of appeal on the parish officers, but not on the persons objected to, as required by 41 Geo. 3, c. 23, s. 6, the next sessions are bound to enter and respite the appeal under 17 Geo. 2, c. 38, s. 4.

41 GEO. 3, C. 23, S. 8.

Subsequent Court of Quarter Sessions not empowered to make an Order for Repayment of Rate and Costs.

See Reg. v. St. Peter's Liberty, York, 4 B. & Ad. 342.

*Appeal—Reduction of Rate—Order of Sessions—Repayment—
Mandamus to enforce Rate.*

Reg. v. Parker & Others, JJ. of Warwickshire, 21 J. P. (n.) 53, (n.) 390, 547;
3 Jur. (n. s.) 771; 7 E. & B. 155; 26 L. J. (n. s.) M. C. 199.

On the reference of an appeal against a poor rate, the rate was reduced, and the overseers being willing to refund the amount overcharged in that and subsequent rates, applied to the auditor to be allowed to do so. The auditor required that an order of quarter sessions should be obtained under 41 Geo. 3, c. 23, s. 8. Upon an application for a rule to the justices to show cause why they should not issue a distress warrant for the subsequent rates which were due and unpaid:—*held*, that the granting a mandamus to the justices would be an act of injustice, and that the overseers would do well to make the allowance without an order of sessions.

49 GEO. 3, c. 124, s. 1.

Mandamus.

Reg. v. York, N. R. J J., 6 L. T. (n. s.) 351.

Mandamus will lie to justices to enforce an order of removal not appealed against.

49 GEO. 3, c. 124, s. 4.

Examination of Witness unable to travel to Petty Sessions.

Ex parte Kimbolton. 5 L. T. (n. s.) 347.

Where there are proceedings pending at sessions on an order of removal, and a material witness is unable to travel, but in a fit state to be examined, the court has no power to make an order for his examination to be taken for the purpose of being used in such proceedings.

54 GEO. 3, c. 170, s. 11.

Excusal of Rates is not Parochial Relief.

Mashiter *app.*, Dunn *resp.*, 6 C. B. 30; 18 L. J. (n. s.) C. P. 13.

A freeman, entitled to vote for a member of Parliament, who has been excused by the justices from payment of poor rates on the ground of poverty, under 54 Geo. 3, c. 170, s. 11., is not disqualified under 2 Will. 4, c. 45, s. 36, as having received parochial relief or alms.

55 GEO. 3, c. 137, s. 6.

*Liability to Penalty of Guardian of Union supplying Goods for Poor
in Workhouse.*

See *Greenhow v. Parker*, *post*, p. 61. See also *West v. Andrews*, 5 B. & Ald. 328.

56 GEO. 3, c. 139, s. 1.

Apprenticeship—Jurisdiction of Justices.

See *Staverton v. Ashburton*, 4 E. & B. 526. See *ante*, p. 22.

Evidence on Presumption of Performance of required Formalities.

See *Reg. v. Broadhempston*, 1 E. & E. 154; S. C. nom. *Broadhempston v. East Stonehouse*, 22 J. P. (n.) 753. See *ante*, p. 23.

56 GEO. 3, c. 139, s. 2.

Allowance of Indenture.—Jurisdiction of Justices.

Reg. v. Holborn, 6 E. & B. 715; 2 Jur. (n. s.) 571; 25 L. J. (n. s.) M. C. 110.

The allowance of an indenture of apprenticeship appeared on the face of it to be made by two justices of the county of Middlesex, and concluded, "Given under our hands and seals, at the police office, Hatton Garden, the day and year first above written." The statute, 10 Geo. 4, c. 44, s. 4, constituting the metropolitan police, described the Holborn division as in the county of Middlesex, and including the Liberty of Saffron Hill, Hatton Garden, and Ely Rents :—*held*, that it sufficiently appeared that the allowance was made within the jurisdiction of the justices.

Apprenticeship—Place of Working and Sleeping.

Reg. v. Elswick, 3 L. T. (n. s.) 321, 7; Jur. (n. s.) 45; 30 L. J. (n. s.) M. C. 66; 24 J. P. 787.

An apprentice used to work and sleep at B. during the week, returning on Saturdays to his father's at G., and sleeping there on the nights of Saturdays and Sundays. On the last day of service, on Wednesday, he left off work at 4 p.m. at B., and went to see his mistress at N., and then proceeded to G. and slept there that night: and it was held that G. was his place of settlement under the apprenticeship.

58 GEO. 3, c. 69, s. 1.

Notice of Vestry—When sufficient.

Rand v. Grimwade, 6 Jur. (n. s.) 303; S. C. nom. *Rand v. Green*, 24 J. P. 790; 30 L. J. (n. s.) M. C. P. 80; 9 C. B. (n. s.) 470. See also *Blunt v. Harewood*, 8 A. & E. 610.

The following was held a sufficient notice, pursuant to 58 Geo. 3, c. 69, s. 1—"Notice is hereby given, the churchwardens, overseers, and other principal inhabitants of this parish are requested to meet in the vestry, on Wednesday the 14th July inst., at half-past nine o'clock in the forenoon, to examine the church-

warden's accounts, and to grant them a rate.—Given under our hands, the 30th July, 1848.

“ J. RAND,
“ W. GRIMWADE, } Churchwardens.”

Mandamus to convene Vestry Meeting.

Rex. v. Stoke Damerel, 6 L. J. (n. s.) M. C. 14.

If it be made to appear that a considerable number of the parishioners are desirous of having a vestry called, and they are not enabled to call a vestry, from the refusal of the minister and churchwardens to aid them in doing so, the court will grant a mandamus to the minister and churchwardens to convene a vestry : there must, however, be sufficient cause shown.

58 GEO. 3, c. 69, s. 2.

Right of Rector to preside at Vestry Meeting.

See Reg. v. Doyley, 12 A. & E. 139 ; 4 P. & D. 58 ; S. C. nom. Reg. v. Lambeth, 9 L. J. (n. s.) M. C. 113. See also In re St. Mary Aldermary, and Wilson v. M'Math, 3 B. & Ald. 244, and Mawley v. Barbet, 2 Esp. 687.

Adjourned Meeting.

Lorant v. Scadding, 19 L. J. (n. s.) M. C. ; 3 H. L. Ca. ; 418 S. C. nom. in court below ; 13 Q. B. 706.

Notice of adjourned meeting is not necessary, as in point of law all the meetings constitute one meeting.

Vestry Meetings held by Adjournment

Kerr v. Wilkie, 24 J. P. 211.

Are considered as part of the original meeting ; and in the absence of any provision as to notice for such meetings, no notice whatever is necessary for the adjourned meeting.

Meetings of Vestry—Publication of Proceedings—Libel.

Popham v. Pickburn, 31 L. J. (n. s.) Exch. 133.

Though the publication of a report of a trial in a court of justice, in the course of which a libel is read, would be privileged ; a publication of the proceedings of a parish vestry, at which a libel is read, is not so privileged.

58 GEO. 3, c. 69, s. 3.

Inhabitants present at Vestry Meeting but not Voting—What constitutes a Majority.

Reg. v. Eynsham, 12 Q. B. 398 ; Reg. v. Christchurch, in re Baynton, 3 Jur. (n. s.) 537 ; 21 J. P. 134 ; 28 L. T. 355 ; 26 L. J. (n. s.) M. C. 68 ; and in error for Q. B. 29 L. T. 328 ; 27 L. J. (n. s.) M. C. 28 ; 7 E. & B. 409. See also Blacket v. Bhazzard, 9 B. & C. 851 ; Gosling v. Vesey, 12 Q. B. 328, & Reg. v. Griffith, 17 Q. B. 164 ; 3 N. S. C. 507 ; 18 L. J., Q. B. (n. s.) 210.

Voting in Vestry—Inhabitants of Ecclesiastical Parish.

Reg. v. Stevens, 32 L. J. (n. s.) Q. B. 90; 27 J. P. 437; 3 B. & S. 333.

Though a district forming part of a parish, appropriated to a new church under 58 Geo. 3, c. 45; 59 Geo. 3, c. 134, s. 16; 6 & 7 Vict. c. 37, and 19 & 20 Vict. c. 104, becomes a separate parish for all ecclesiastical purposes; yet, as it remains part of the original parish as to the levying of poor and other parochial rates, the inhabitants of the district have a right to vote in vestry in the election of churchwardens for the original parish.

Right to Vote—Person Rated as Executor.

Reg. v. Kirby, 5 L. T. (n. s.) 280; 31 L. J. (n. s.) Q. B. 3; 26 J. P. 196;
1 B. & S. 647.

Where an inhabitant is rated for property held by him in his own right, and is also one of the executors of a person deceased, who are jointly rateable as such executors, he may add to his own qualification a rateable proportion of the joint qualification of the executors, so as to obtain more votes at the vestry under 58 Geo. 3, c. 69, s. 3.

Right of Voting—Occupier of Small Tenements—Number of Votes of Owners.

Richardson v. Gladwin, 31 L. T. 97; 27 L. J. (n. s.) M. C. 192; 4 Jur. (n. s.) 377; 22 J. P. (n.) 287, 688.

When the 13 & 14 Vict. c. 99 has been adopted in a parish, the 58 Geo. 3, c. 69, and 59 Geo. 3, c. 85, (the effect of which is to make rating to the poor rate the exclusive qualification for voting in all parish vestries,) operate to deprive the occupiers of small tenements, not rated to the poor rate, of the right to vote at a vestry held for the purpose of making a church-rate, although they are still liable to be rated to it. In such a case the rated owners only are entitled to vote in respect of small tenements; but the owners of more than six small tenements will not be entitled to give more than six votes.

Votes—Church Rates—Voting in different Capacities—Small Tenements Act.

Lambe and Clarke v. Grieves, Consistory Ct. 26 J. P. 327; 8 Jur. (n. s.) 288.

Where the Small Tenements Act has been adopted in a parish, and parties are rated as owners under that Act, and also as occupiers in their own right, they are entitled on voting in vestry to add the amount of the rateable value of both capacities, and to give one vote for every 25*l.* of annual rent, but so that they claim no more than six votes in all. But they are not entitled to vote separately for each class of property so as to exceed the number of votes which would be allowed by the above mode of computation.

As to Voting by Ballot at a Vestry Meeting.

See *Faulkner v. Elger*, 4 B. & C. 449.

Refusal by Churchwarden to Receive Vote—Liability to Action—Metropolitan Local Management Act.

Tozer v. Child, 21 J. P. 516.

An action is not maintainable against churchwardens for refusing to receive the vote of a person entitled to vote at an election of vestrymen, unless they were actuated by malice or some improper motive.

Vestry Clerks—Appointment by Vestry—Miscalculation of Votes—Quo Warranto.

See *Ex parte Daynall*, *In re Greville*, 26 J. P. (n.) 772.

Closing Poll too soon—Mandamus to Re-elect Vestry Clerk—Costs.

Reg. v. Graham, 26 J. P. 103.

Where a poll was closed too soon, the main cause of it being a great disturbance caused by the agent of one of the candidates, and who also succeeded in getting a mandamus for a new election, the court refused to give costs of the mandamus against the churchwardens, on the ground that the party who obtained it was chiefly blameable.

Poll of Vestry.

White v. Steele, 8 Jur. (n. s.) 1177; 12 C. B. (n. s.) 383.

The only legitimate way in which a parish can express its desire to do an act, is by convening a vestry and duly conducting the proceedings therein to their legal termination, namely by a show of hands, or by a poll, when a poll is duly demanded. The result of a poll of the vestry is the legal termination of the vestry meeting. The right to a poll is a common law right, and is not taken away by mere general words in a statute.

Poll of Vestry—Adjourned Meeting.

Reg. v. Roberts & another, JJ. of Surrey, 32 L. J. (n. s.) M. C. 153;
7 L. T. (n. s.) 822; 27 J. P. 709.

A vestry meeting was summoned to make a church rate, and all propositions and amendments were deemed, by the notice, to be made at that meeting, in order that the poll (which was to take place at an adjourned meeting), might be taken on all the propositions at the same time. At the meeting a church rate of 2*d.* in the pound was proposed, and the only amendment made was, "that no rate be granted." At the adjourned meeting for taking the poll, those in favour of the rate were to vote at one place, and those in favour of the amendment at another place; and there being a majority in favour of the rate, the chairman declared the rate carried, and refused to entertain any further amendment about to be proposed: upon a rule nisi to the justices to show cause why

a distress warrant should not issue for levying the rate, it was held that the poll was properly taken, under the circumstances.

Vestry Meeting—Poll.

Reg. v. Hillingdon, 18 Q. B. 718. See also Reg. v. Walters, 24 J. P. 421 ;
and Reg. v. Goole, 4 L. T. (n. s.) 322.

If the meeting agree to a poll being taken according to the statute, no one is entitled afterwards to demand a poll of the whole parish.

Poll of Vestry.

In re Egham Burial Board, 3 Jur. ; (n. s.) 956, per Wood, V. C.

The proper way of taking the vote at a vestry meeting is by a poll—the meeting being adjourned for that purpose, if necessary or convenient.

Who entitled to Vote at Vestry Meeting.

Reg. v. Kershaw, 6 E. & B. 999 ; 2 Jur. (n. s.) 1139 ; 26 L. J. (n. s.)
M. C. 19.

In the election of a surveyor of the highways, under 5 & 6 Will. 4, c. 50, s. 6, an inhabitant occupying property liable to be assessed to the highway rate is entitled to vote, though he has never been actually rated to the highway rate.

Disturbance of Voting at Vestry Meeting.

Buckmaster *app.*, Reynolds *resp.*, 13 C. B. (n. s.) 62.

It has been held, with reference to 18 & 19 Vict. c. 120, s. 21, Metropolis Local Management Act, that an intentional obstruction of the voting, by actual violence, is an offence within that Act.

58 GEO. 3, c. 69, s. 6.

Repository for Parish Documents in Workhouse of Union.

Slater v. Hodgson, 9 Q. B. 727 ; 2 (n. s.) C. 488.

The workhouse of a union is not an improper repository for documents of a parish within the union, so as to make them inadmissible in evidence when produced thence.

Depository for Rate Books.

Reg. v. Eaton, 10 Jur. 222.

The parish chest is the proper place of custody of the rate-books of a parish.

59 GEO. 3, c. 12, s. 7.

Dismissal of Assistant Overseer—Select Vestry—Majority at Meeting—Title to Possession of Rate-Books.

Reg. v. Christchurch, Spitalfields, 21 J. P. (n.) 134, 533; In re Baynton, 3 Jur. (n. s.) 1074; 26 L. J. (n. s.) M. C. 207; affirmed in error, 27 ibid. 23.

By the 18 Geo. 3, c. 74, s. 14 (local Act), it is enacted, that the churchwardens, overseers, and vestrymen of the parish of C., or the major part of them, may elect a collector or collectors of the rates, at any meeting to be held in the vestry-room, and may likewise from time to time remove such collector or collectors :—*held*, that in order to satisfy the words of the statute it was necessary that the major part present at a vestry meeting should vote in favour of the removal of a collector. Therefore, that notwithstanding a greater number voted in favour of a motion for the removal of a collector than voted against it, yet inasmuch as they were a minority of the vestrymen present at the meeting, several of whom declined to vote, the collector was not removed.

Where it was necessary to enable a collector of poor rates to perform the duties of his office, that he should have the rate-books in his possession :—*held*, a mandamus would lie to compel the overseers of the parish, who had them in their custody, to deliver them to the collector, their being no legal impediment to their so doing.

Non-production of Rate—Assistant Overseer not liable to Penalty.

Bennett v. Edwards, 7 B. & C. 586; but see further, ibid. 8 B. & C. 702.

An assistant overseer is not liable to a penalty under 17 Geo. 2, c. 3, s. 3, unless the vestry have imposed upon him the duty of producing the rate.

Appointment and Duties of Assistant Overseer.

Points v. Attwood, 6 C. B. 38; 18 L. J. (n. s.) C. P. 19.

An assistant overseer, who is appointed in general terms under 59 Geo. 3, c. 12, s. 7, is an “overseer” within the meaning of 6 & 7 Vict. c. 18, s. 17, and service of a notice of objection upon such assistant overseer is good service.

Confirmation by the poor law commissioners is not essential to the validity of the appointment of an assistant overseer under 59 Geo. 3, c. 12, s. 7. Where there is no express limitation of the duties to be performed by such assistant overseer, he must be taken to have been appointed to perform all the ordinary duties of an overseer.

Appointment of Assistant Overseer as Collector of Poor Rates.

Reg. v. Greene, 21 L. J. (n. s.) M. C. 137.

By operation of 7 & 8 Vict. c. 101, s. 61, the appointment by

the guardians, under an order issued previous to that Act by the poor law commissioners, of a collector or assistant overseer, took away the power of the inhabitants in vestry to appoint an assistant overseer under 59 Geo. 3, c. 12, s. 7.

Compatibility of Office with that of Overseer.

See *Rex v. Trelawney*, 3 Burr. 1615; *Rex v. Packman*, 2 T. R. 779; *Rex v. Gayer*, 1 Burr. 245; *Reynolds v. Hickman*, 34 L. T. 209.

Surety of Assistant Overseer.

See *Pybus v. Gibbs*, 4 Q. B. 902. As to putting bond in suit by churchwardens and overseers, see *Skelton v. Ruthby*, 4 Exch. Rep. 545; 19 L. J. (n. s.) M. C. 29, *infra*. See also *Cambridge v. Dennis*, E. B. & E. 660.

Sureties—Declaration on Bond given as Security for the faithful execution of office—Pleading.

See *Llanfyllin v. Evans*, 22 J. P. (n.) 737.

Overseers may put Bond in Suit.

Skelton v. Ruthby, 19 L. J. (n. s.) M. C. 29.

Churchwardens and overseers for the time being may sue upon bonds, under 59 Geo. 3, c. 12, s. 7, notwithstanding the 7 & 8 Vict. c. 101, s. 61.

Liability of Surety of an Officer on change of mode of Remuneration.

North-Western Railway Company v. Whinray, 10 Exch. 77;
23 L. J. (n. s.) Exch. 261.

Where the recital of the condition of the board is that the officer shall be paid by a fixed salary, and after the bond is executed the mode of remuneration is changed to a commission by way of salary, it has been held, in the case of the servant of a railway company, that inasmuch as the surety only undertook to be responsible for the faithful conduct of the servant whilst he continued to receive a fixed salary, the surety was not liable after the change in the mode of remuneration.

Collector of Rates—Liability to Account to succeeding Overseers.

Sellar v. Griffin, 9 Jur. (n. s.) 612; 8 L. T. (n. s.) 230; 27 J. P. 340.

Where a collector of rates who had given a bond to the previous overseers by name, the condition being that he should duly account to the then overseers and their successors in office, refused to account to the succeeding overseers (having already accounted to the previous overseers) on the ground that he was not their agent or liable to account to them, a decree was made by the M. R. for an account and delivery up of the books; but no account settled between the defendant and the late overseers to be reopened.

What Duties to be Discharged when specified generally.

Skingley v. Surridge, 12 L. J. (n. s.) M. C. 122.

If the person be appointed an assistant overseer, to perform all the duties of an overseer, without specifying any of them in particular, it will be a good appointment.

Sanction of Poor Law Board to Appointment.

Points app., Attwood resp., 6 C. B. 49.

The sanction of the poor law board to the appointment of an assistant overseer under the 59 Geo. 3, c. 12, s. 7, is not necessary; and he is an overseer within the meaning of 6 and 7 Vict. c. 18, s. 17.

Embezzlement by Assistant Overseer—What constitutes.

Reg. v. Guelder, 3 L. T. (n. s.) 337; 24 J. P. 742.

An assistant overseer was bound, on receiving payment of rates, to pay them into a bank, and then get a receipt from the overseers. He fraudulently obtained some receipts on pretence of having paid the sums into the bank, and with a view to deceive the auditor. He afterwards entered these sums to his debit in the book he kept:—*held*, he was rightly convicted of embezzlement, and that his debiting himself in his book of account did not in any way purge the offence.

59 GEO. 3, c. 12, s. 8.

Charity—Mortmain Acts.

Burnaby v. Bardsley, 23 J. P. 503; 4 H. & N. 690; 28 L. J. (n. s.) Exch. 326.

A conveyance of land to trustees for the purpose of building a poorhouse is not within the Mortmain Act, 9 Geo. 2, c. 36.

Charity—Statute of Limitations, 3 & 4 Will. 4, c. 27.

See St. Mary Magdalen, Oxford v. Attorney-General, 6 H. L. Ca. 189.

59 GEO. 3, c. 12, s. 17.

Churchwardens and Overseers suing in quasi corporate capacity.

See Ward v. Clarke, 13 L. J. (n. s.) Exch. 229.

Charity Land.

See Attorney-General v. Lewin, 6 L. J. (n. s.) M. C. 163.

How when there are two Overseers, and one of them is appointed Churchwarden.

See Woodcock v. Gibson, 4 B. & C. 462.

Lands vested in Churchwardens and Overseers—Held by Poor of Parish—Recovery of.

Hunt v. Allgood, 4 L. T. (n. s.) 215.

Defendants who were poor parishioners claim to hold as yearly tenants certain lands in the parish which were vested under 59 Geo. 3, c. 12, s. 17, in the churchwardens and overseers for the time being at the yearly rent of 4s. per acre. Up to the year 1803 the lands had been occupied at that rent, which was always paid in advance; in that year they were enclosed, and to pay the expenses the rent was raised to 12s. per acre, which was paid up to 1848, when all the expenses being liquidated the defendants refused to pay more than 4s., which sum was tendered and refused and action brought. It was *held* that in the absence of any agreement to the contrary, the defendants were tenants from year to year, and entitled to notice to quit, and that the facts stated in the case did not amount to a disclaimer.

Recovery of Possession of Parish Property—Waste Land—Notice.

See *Appleton v. Morray*, 2 L. T. (n. s.) 516; 2 F. & F. 167.

Lease of Parish Lands—Surrender and Attornment—Evidence of Surrender.

Gray v. Balls; *Field v. Merrison*, 26 J. P. 5, (n.) 772.

An information having been filed in Chancery to set aside an improvident lease of parish lands, and judgment being in favour of the prosecutor, the parish officers claimed possession from G. holding as one of the assignees of the original lease. G. wrote to his under tenant to attorn, which was done, and rent was paid for several years to the parish:—*held*, what G. did amounted to a surrender. The same parish officers having demanded possession from F., who held another part of the premises as assignee in trust for other persons, F. declined to take a lease from the parish or to attorn, or to direct his under tenant to attorn, and refused to do anything:—*held*, there was nothing done by F. which amounted to a surrender or to prevent his recovering the land in ejectment.

59 GEO. 3, c. 49, s. 1.

Liability of Overseer for act of Colleague.

Rex v. Essex, JJ. 3 B. & Ad. 941. See also *Reg. v. Jeffery and Blanchard*, 23 J. P. 277, on the same point.

It may be laid down generally that, where there are two overseers, the one is not answerable for the malversation of the other.—*Per Tenterden, C. J.*

5 GEO. 4, c. 83, s. 3.

Husband neglecting to Maintain Child—Husband and Wife separated—Legitimacy—Evidence.

Sibbel v. Ainsley, 3 L. T. (n. s.) 583; 24 J. P. 823.

A. was summoned before justices, under 5 Geo. 4, c. 83, s. 3, for wilfully refusing to maintain his child, being able to do so. He proved that he and his wife had lived separate for about three years before the birth of the child, though in the same town—that she led a profligate life to his knowledge—that he always avoided her—and, that she had been seen as a prostitute having connection with several men, and the child was born in a gaol. The justices dismissed the information, holding that the legal presumption of legitimacy was rebutted by this evidence of the relative position of the married parties:—*held*, the justices came to a right decision.

Wife who refuses through Fear to Live with her Husband.

Flannagan v. Bishopwearmouth, 3 Jur. (n. s.) 1103; 27 L. J. (n. s.) M. C. 46; 22 J. P. 464; 8 E. & B. 451.

Appellant was convicted under the 5 Geo. 4, c. 83, s. 3, for that whilst able to maintain his wife, he wilfully refused so to do, by which refusal she became chargeable to the respondents' parish, wherefore he was deemed an idle and disorderly person, and sentenced to one month's imprisonment. The evidence on which the conviction was obtained showed that the defendant had been summoned on a similar charge a few weeks previous to the hearing of this charge, and had then paid 1s. and costs, and undertaken to provide his wife with 12s. a week. He had not since paid her anything, and she had thereupon applied for relief, which had been granted to her. She lived with her mother separate from her husband, who offered at the hearing to maintain her if she would come to live with him, but she refused on the ground of his previous cruelty. The justices were satisfied that the defendant was able to support his wife, and that he had been guilty of the ill-usage complained of, and convicted him as an idle and disorderly person according to the 5 Geo. 4, c. 83, s. 3:—*held*, that the facts showed no wilful refusal of the husband to maintain his wife, and therefore that the conviction could not be supported.

5 GEO. 4, c. 83, s. 4.

What is not a Running Away.

Reg. v. Parr, 4 L. T. (n. s.) 323; 25 J. P. 518; 10 C. B. (n. s.) 99; 30 L. J. (n. s.) M. C. 241; 7 Jur. (n. s.) 1303.

A mother who, having obtained an order for the admission of herself and two children into the union workhouse, takes and

leaves her children at the gate of the workhouse, with the order in their hands, and returns to her usual residence, which is in the borough where the workhouse is situated, is not a person who runs away, leaving her children chargeable to the parish, within the meaning of 5 Geo. 4, c. 83, s. 4.

Limitation of Time for laying Complaint.

Reeve v. Yeates, 8 Jur. (n. s.) 751; 31 L. J. (n. s.) M. C. 241; 26 J. P. 808; 1 H. & C. 435.

Where a man runs away from his wife and children, and they do not become chargeable to the parish until some time after such desertion, the offence, under 5 Geo. 4, c. 83, s. 4, is not complete until such chargeability arises, and therefore the six months limited by the 11 & 12 Vict. c. 43, s. 11, for laying the information, is to be reckoned from the latter event.

Indictment.

Reg. v. Hogan, 21 L. J. (n. s.) M. C. 219.

Abandoning a child for the purpose of throwing it upon the parish is not an indictable offence.

Sufficiency of Conviction.

Nixon v. Nanney, 10 L. J. (n. s.) M. C. 134.

It is not necessary to state in the conviction whether it was on the justices' own view, or by confession of the offender, or by the evidence of witnesses.

Deserting Wife—Evidence of Marriage.

Reg. v. Yeomans, 1 L. T. (n. s.) 369; 24 J. P. 149.

Upon the hearing of a charge against the defendant for deserting his wife, leaving her chargeable to the parish, it appeared that for twenty-eight years he had lived with the woman, and that they had passed as man and wife, but that ten years before the charge they had separated, and had ever since lived apart, and that during that interval he had married another woman. It also appeared that before their separation he had been charged with desertion, and had then agreed with the parish officers to make the woman an allowance:—*held*, that there was evidence to justify the magistrates in inferring that the woman was his wife.

Desertion—Animus—Evidence of Wife.

Ex parte Reed, 22 J. P. (n.) 271; Sweeney v. Spooner, 7 L. T. (n. s.) 623; 27 J. P. 181; 9 Jur. (n. s.) 691; 32 L. J. (n. s.) M. C. 82; 3 B. & S. 329.

To make a person liable as a rogue and vagabond for running away and leaving his wife chargeable to the parish, he must leave her wilfully, and reasonably believe at the time that she would

become chargeable.—*Quære*, whether the wife is an admissible witness against the husband on such a charge.

Husband neglecting to maintain Wife—Apprehension without Warrant—What is being found offending.

Horley v. Rogers, 29 L. J. (n. s.) M. C. 140; 24 J. P. (n.) 261, 582; and *infra*.

A husband able to support his wife, but whose wife has become chargeable to the parish, cannot be arrested without a warrant; the mere fact of his being afterwards met with is not enough to constitute him one who is “found offending” against the Act.

Complaint by Assistant Overseer without authority of Guardians.

Reg. v. Mirehouse, 32 L. J. (n. s.) M. C. 90; 7 L. T. (n. s.) 721; 27 J. P. 88.

Upon a complaint by an assistant overseer of a parish situated in a poor law union, that a person has deserted his wife and family, leaving them chargeable to such parish, it is no objection that the proceedings have not been taken by direction of the board of guardians. As to costs of prosecution in such case, see 7 & 8 Vict. c. 101, s. 59.

Meaning of the word “Chargeable.”

Heath v. Heape, 26 L. J. (n. s.) M. C. 49; 1 H. & N. 478; 20 J. P. 760.

It is necessary that the wife and children should have become actually chargeable; and it is not sufficient that the chargeability is merely imminent, and that actual chargeability subsequently ensues.

*Place of Public Resort—Private House.**

See Sewell v. Taylor, 1 L. T. (n. s.) 37; 29 L. J. (n. s.) M. C. 50; S. C. nom.
Ex parte Sewell, 6 Jur. (n. s.) 582; 7 C. B. 160.

Immoral Purpose.

See Hayes v. Stevenson, 3 L. T. (n. s.) 296.

What a place of Public Resort—What frequenting.

See Ex parte Cross, 1 C. B. (n. s.) 573; 1 H. & N. 651; 3 Jur. (n. s.) 320;
26 L. J. (n. s.) M. C. 28.

Railway Platform.

See Ex parte Davies, 2 H. & N. 149.

5 GEO. 4, c. 83, s. 6.

*Apprehension of Man charged with Neglect of Family.**

Horley v. Rogers, 2 L. T. (n. s.) 171; 6 Jur. (n. s.) 605; and *supra*.

The summary power of apprehension does not apply to the

case of a man who is charged with having neglected to support his family, whereby they have become chargeable to the parish; and a constable was held to have acted correctly in refusing to apprehend the man, for he was not found offending within the meaning of the Act.

6 GEO. 4, c. 57, s. 2.

Settlement—Renting a Tenement—Sufficiency of Occupation.

Reg. v. Willesden, 32 L. J. (n. s.) M. C. 109; 9 Jur. (n. s.) 874; S. C. nom. Willesden v. Paddington, 27 J. P. 324; 7 L. T. n. s. 784.

By agreement, a tenement was let to a pauper “for three months from the 25th December, 1859, at the yearly rent of 18*l.*, the first monthly payment to be made on the 25th January,” and “that three months’ notice from either party to the other shall be a sufficient notice to quit, and the said (the pauper) agrees, upon receiving such notice, to give up quiet possession,” &c. The pauper occupied under the agreement for about eighteen months from the 25th December, 1859, and paid some of the rates in respect of the same:—*held* that he thereby gained a settlement.

6 GEO. 4, c. 57, s. 2.

Settlement—Renting a Tenement—Amount of Rent.

Reg. v. Ardsley, 32 L. J. (n. s.) M. C. 255.

In June, 1844, B. and W. rented and entered into possession of three acres of land in order to sink a coal-pit, at a yearly rent of 135*l.* an acre for the coal, and 50*s.* an acre for the surface. The rent for the coal was not to commence till after the coal had been reached; and it was agreed that the first half-year’s rent should be paid six months after the coal was reached. The coal was reached in December, 1844, and in June, 1845, B. and W. paid half-a-year’s rent for the coal and one year’s rent for the land. In September, 1845, the pit fell in, and the coal and land were given up. From June, 1845, to September, 1845, B. rented a cottage in the same township, for 5*l.* 10*s.* a year, and occupied and paid the rent:—*held* that no settlement was gained by B., as the rent of the tenements occupied by him did not amount to 10*l.* a year, for the year during which they were occupied.

What not a Separate and Distinct Dwelling-house.

Reg. v. Elswick, 3 L. T. (n. s.) 321; 24 J. P. (n.) 787; 7 Jur. (n. s.) 45; 30 L. J. (n. s.) M. C. 66.

A pauper resided in a shop and two rooms on the ground-floor; they opened into a passage, at the end of which was a front entrance into the street and a back entrance into the yard. The upper part of the house was occupied by another tenant, who had a right to the use of the passage and doors, and had a key thereof,

and who claimed a portion of the passage:—*held* that the pauper did not gain a settlement by renting a tenement within 6 Geo. 4, c. 57.

Occupation of Dwelling-house by Wesleyan Minister.

Tiverton, *app.*, Mangotsfield, *resp.* See *ante*, page 26.

Occupation for one whole Year.

Reg. v. Westbury-upon-Trym, 26 L. J. (n. s.) M. C. 76; 21 J. P. (n.) 100, (n.) 150, 613; 7 E. & B. 414; 3 Jur. (n. s.) 690; 28 L. T. 369.

The second section of the 6 Geo. 4, c. 57, enacts, that no person shall acquire a settlement by paying parochial rates, “unless such house or building, or land, shall be occupied under such yearly hiring, and the rent for the same to the amount of 10*l.* actually paid for the term of one whole year at the least:”—*held*, that to confer a settlement there must be occupation under the hiring for the term of one whole year at the least, as well as forty days’ residence and payment of the rent for one whole year.

6 GEO. 4, c. 50, s. 9.

Churchwardens—Continuing in Office till Successor admitted—Signing Jury Lists—Responsibility of Outgoing Churchwarden.

Bray v. Somers, 2 B. & S. 374.

A churchwarden continues in office till his successor has made the statutory declaration, and hence must continue to sign the jury lists and do other duties pertaining to the office till he is released by a successor duly admitted.

1 WILL. 4, c. 18, s. 1.

Occupation by Wesleyan Minister.

Tiverton *app.*, Mangotsfield *resp.* See *ante*, p. 26.

2 & 3 WILL. 4, c. 75, s. 7.

Delivery of Dead Bodies for Dissection—Fraud on Relatives of Deceased, how far within the Act.

See Reg. v. Fiest, 22 J. P. 322; 27 L. J. (n. s.) C. 164; 4 Jur. (n. s.) 541; 31 L. T. 267; 1 Dean & B. C. C. R. 59.

2 WILL. 4, c. 45, s. 36.

Borough Voter—What not a Disqualification.

Trotter v. Trevor, 7 L. T. (n. s.) 678; 32 L. J. (n. s.) C. P. 59; 27, J. P. 679.

A person whose father was chargeable as a pauper on the funds of a union, and who voluntarily contributed a weekly sum to his

father's maintenance, the funds of the union paying the remainder, is not disqualified by 2 Will. 4, c. 45, s. 36, as "a person who had received parochial relief or other alms."

3 & 4 WILL. 4, c. 90, s. 5.

Adoption of Act by Town Council.

Quick v. St. Ives, 2 L. T. (n. s.) 214.

A town council cannot renounce the Watching and Lighting Act after they have adopted it in the borough.

3 & 4 WILL. 4, c. 90, s. 16.

Adoption of Act by Part of Parish.

Reg. v. Dann & Graham, J.J. of Sussex, 3 Jur. (n. s.) 341; 26 L. J. (n. s.) M. C. 74; 6 E. & B. 220; 21 J. P. 565.

A meeting of ratepayers was held on the 11th of November, 1853, to consider whether the parish should adopt the provisions of the Lighting and Watching Act, when two-thirds of those present, as required by Section 8, did not adopt the Act. On the 1st of December following, another meeting was called of those ratepayers who lived within a radius of half-a-mile from the market, being the town portion of the parish. At that meeting the Act was adopted by a majority of two-thirds of the persons present, and thereupon a rate was duly assessed upon S., who lived within the town district. This rate was paid, but on a second rate being made he refused to pay. S. objected that the meeting at which the Act had been adopted was illegal, because by Section 16 no second meeting for the adoption of the Act could be held within twelve months from the first. The justices held that the persons convened to both meetings were substantially the same, and that the meetings held on the 11th of November and 1st of December were substantially the same; that the second meeting being held within twelve months of the first was contrary to the Act and void, and dismissed the summons:—*held*, that as the right question of fact had been propounded to the justices and determined by them, the court could not interfere with their decision, although they might have taken the question in a wrong sense.—*Semble*, the payment of one rate did not estop S. from objecting to another rate.

3 & 4 WILL. 4, c. 90, s. 33.

Watching and Lighting Rate.

Peto v. West Ham, 28 L. J. (n. s.) M. C. 240.

Mode of assessing a wet dock or tidal basin. Meaning of "houses, buildings, and property, other than land," in 3 & 4 Will. 4, c. 90.

Rate—"Three times greater"—*Publication*.

See *Reg. v. Somersetshire JJ.*, 22 J. P. (n.) 431.

4 & 5 WILL. 4, c. 76, s. 15.

Validity of Orders of Poor Law Board till quashed on Certiorari.

Brushfield v. Baynton, 33 L. T. 145.

With reference to the General Order of 16th March, 1854 (see Glen's Poor Law Board Orders), it was held that it remained in force till it was quashed on certiorari (see 4 & 5 Will. 4, c. 76, s. 105), and that it was several in its nature, and, if bad, capable of being quashed by one parish, although it was addressed generally to a number of parishes and unions, as regards which it might be free from objection.

4 & 5 WILL. 4, c. 76, s. 19.

Visitation of Workhouse by Roman Catholic Priest—Conditions on which allowed.

See *Reg. v. St. Luke's Chelsea*; Knight's 'Official Advertiser' of 15th May, 1861; and Glen's 'Poor Law Board Orders,' 5th edition, p. 93.

Guardianship—Religious Training of Orphans.

See *Reg. v. Clarke in re Alice Race*, 3 Jur. (n. s.) 335. See also *Stourton v. Stourton*, 21 J. P. 261.

4 & 5 WILL. 4, c. 76, s. 27.

Previous Summons to Guardians necessary before Order is made by Justices.

Reg. v. Totnes, 14 L. J. (n. s.) M. C. 148; 7 Q. B. 690.

No order can be made in the absence of the party whose interests are to be affected by it; therefore where two justices made an order on the guardians under 4 & 5 Will. 4, c. 76, s. 27, directing them to give relief to an infirm pauper, without requiring that she should reside in the workhouse, and the guardians returned, amongst other things, that neither they nor the overseers of the parish in which the pauper was stated to be residing and entitled to relief therefrom, had been summoned to attend, nor were present at the hearing of the complaint or the making of the order, it was held that this was a good and valid objection to the order.

Jurisdiction of Justices—Borough Justices.

Reg. v. Durham, 4 N. S. C. 437.

The Durham union consists of the parishes and townships of the borough of Durham, and of several other parishes and townships in the county of Durham. Two justices usually acting in and for the borough, made an order under 4 & 5 Will. 4, c. 76,

s. 27, for out-door relief to a pauper who resided within the borough; but it was *held* that they were not justices "usually acting for the district in which the union was situate," and had no jurisdiction to make the order.

4 & 5 WILL. 4, c. 76, s. 32.

Addition of Extra-Parochial Place to Union.

See *Reg. v. Boteler*, *post*, p. 123. See also *Staple Inn v. Holborn*, *post*, p. 123.

4 & 5 WILL. 4, c. 76, s. 33.

Union for Settlement.

Reg. v. Calthrop, 27 J. P. 372; 11 Weekly Reporter, 826.

A union for settlement formed under the 4 & 5 Will. 4, c. 76, s. 33, comes within the operation of 24 & 25 Vict. c. 55, s. 9, with regard to common fund apportionment.

4 & 5 WILL. 4, c. 76, s. 38.

Ex-officio Guardian.

Reg. v. Cant, 1 Car. and M. 521.

A magistrate residing within a union is only a guardian *ex-officio* while he is acting in the office of guardian. As to the legal meaning of the word "division," see *Evans v. Stephens*, 4 T. R. 224, 459. It does not apply to divisions of a county, but is analogous with "county and riding."

4 & 5 WILL. 4, c. 76, s. 40.

How if Rate be a Nullity.

In *Fox v. Davies*, 18 L. J. (n. s.) C. P. 48, it was *held* that a poor rate not duly allowed is a nullity, and that non-payment of it does not disqualify a claimant for being registered as a voter for a borough.

4 & 5 WILL. 4, c. 76, s. 46.

Power of Poor Law Board to order Appointment of an Auditor in a Parish under a Local Act.

See *Reg. v. St. Pancras*, E. B. & E. 583; 21 J. P. (n.) 788; 22 J. P. 385; 5 Jur. (n. s.) 120; *Reg. v. St. James, Westminster*, 28 L. J. (n. s.) M. C. 172; 24 J. P. 37; 33 L. T. 346. See also *Reg. v. Stockton*, 27 L. J. (n. s.) M. C. 281.

The poor law board have power under this section to direct the appointment of an auditor for a parish under a local Act, notwithstanding it has adopted the provisions of the 1 & 2 Will. 4, c. 60, and has since the passing of the 18 & 19 Vict. c. 120, appointed auditors under the latter Act.

Appointment of Chaplain—Consent of Incumbent of Parish in which Workhouse is situate not necessary to enable Chaplain to perform Divine Service in the Workhouse.

Molyneux v. Bagshaw, 8 L. T. (n. s.) 331; 11 Weekly Reporter, 687; 9 Jur. (n. s.) 553.

A clergyman of the church of England duly appointed chaplain of a union workhouse may perform the service of the church of England in the workhouse without the consent of the incumbent of the parish in which the workhouse is locally situated.

Appointment of an Officer need not be in Writing.

According to *Frost v. Bolland*, 5 B. & C. 611, the appointment of an officer need not be in writing. The same conclusion may be drawn from *Reg. v. Greene*, 17 Q. B. 793; 21 L. J. (n. s.) M. C. 137, and *Smart v. West Ham*, 10 H. and N. 867.

Appointment of a Workhouse Master in a Parish under a Local Act.

Reg. v. Oxford, 8 J. P. 710.

Guardians of the poor acting under a local Act are not exempt from the authority of the poor law commissioners, and must obey their instructions as to the mode and time of filling up vacancies among the officers attached to their boards. Regulations made by local boards in collision with or in evasion of the orders of the poor law commissioners are mere waste paper.

4 & 5 WILL. 4, c. 76, s. 47.

Balance due on an Account—What is—Liability of Surety.

Belford v. Pattison, 21 Jur. (n. s.) 116; 21 J. P. 181.

The condition of the bond of a treasurer to the guardians of a union was, *inter alia*, that the treasurer "on resigning his office or being removed therefrom shall account for, hand over, and pay over to the said guardians, or to such person as they or the poor law commissioners may appoint, all books and papers, balances, moneys, matters, or things belonging, due or relating to the said union, or any parishes or parish thereof." The treasurer, instead of receiving moneys collected for poor rates by certain of the overseers of parishes within the union, who were farmers, with whom he had dealings as a corn merchant, allowed the amount collected for poor rates in his private account with them, giving them credit for the same, and setting it off against moneys due from him for corn he had purchased from them: he then entered such items in the books of the union as if the poor rates had been actually paid over. The accounts of the treasurer were audited from time to time by the auditor, and the items allowed. On the last occasion of auditing the accounts before the treasurer's removal from office, a balance of £239 1s. 7d. appeared:—*held*,

affirming the judgment of the court below, that the surety was liable for this amount, not on the ground upon which it was rested by the court below, namely, that the word "balance" had a special meaning, and meant the balance found by the auditor; but on the ground that as between the treasurer and the overseers, money had in effect passed, and that the effect of the course of business between them was the same against the surety.

*Treasurer—Payment of Drafts of Guardians—Liability of Surety
—Bank-notes.*

Lichfield v. Greene, 21 J. P. 198; 1 H. & N. 884; 26 L. J.
(n. s.) M. C. 140.

The treasurer to the guardians of the L. union was a banker, and on Friday, 28th December, 1855, several orders of the guardians were presented by their clerk at his bank, and paid partly in cash, the residue in £5 bank-notes of the bank. At about eleven o'clock of the morning of the following Monday other orders of the guardians were presented by their clerk, and paid partly in cash, the residue in £200 of similar bank-notes, and a common banker's draft upon bankers in London £4 19s. 8d. was received in exchange for a draft by the guardians in favour of persons in London. At three o'clock in the afternoon of the same Monday the bank stopped payment, and on the following day the treasurer was declared a bankrupt. At the time the orders were presented the treasurer had in his hands money of the guardians sufficient to meet them. At the time the bank stopped payment the guardians had in their hands £95 of the notes received on the Friday, and the £200 received on the Monday; the draft on London was returned dishonoured:—*held*, on an action against the surety of the treasurer to recover these amounts, that the surety was not liable, because, as to the notes received on Friday, the guardians by keeping them in their hands over the Saturday had elected conclusively to treat them as payment. As to the notes received on Monday (as well as those of Friday) they, by receiving notes, and, as to the draft upon London, by receiving the draft, when in both cases they might have demanded cash, had satisfied the obligation of the surety.

4 & 5 WILL. 4, c. 76, s. 48.

Chaplain of Union Workhouse—Power of Removal.

Ex parte Molyneux, 27 J. P. 56.

The poor law board, and not the bishop of the diocese, have the power to remove the chaplain of a union workhouse.

4 & 5 WILL. 4, c. 76, s. 49.

Contract not under Seal with an Accountant to investigate Guardians' Accounts.

Haigh v. North Bierley, 31 L. T. 213; 22 J. P. (n. s.) 384; 28 L. J. (n. s.) Q. B. 62; 5 Jur. (n. s.) 511; 4 E. B. & E. 873.

The guardians of a poor law union having reason to believe that their clerk had been guilty of fraud, and that sums of money had been misappropriated, employed an accountant to audit their accounts, or investigate them generally, and make up the books. Resolutions to this effect were from time to time entered in the rough minute book, but there was no contract under the seal of the guardians. It was *held* by Erle J. (Crompton J. dubitante), that the plaintiff having done the work agreed upon was entitled to recover, although the contract was not under seal.

Contract—Acceptance of Tender.

With regard to the acceptance of a tender, where there is no subsequent contract—

See London Dock Company v. Sinnot, 4 Jur. (n. s.) 70; 8 E. & B. 347.
See also Petch v. Hull, 10 Exch. 610.

Contract for Building new Workhouse—Extras.

Lamprell v. Billericay, 12 L. T. 533; 3 Exch. Rep. 283; 18 L. J. (n. s.) Exch. 282.

Recovery of non-settled Relief—Neglect to send Account of, as required by Consolidated Order.

Wycombe v. Eton, 21 J. P. 70; 28 L. T. 256; 1 H. & N. 687; 26 L. J. (n. s.) M. C. 97.

The guardians of W. union afforded relief to several non-resident poor of parishes within the E. union, between Midsummer, 1845, and Lady-day, 1854. As to some of these paupers they had been authorized by letters, signed by the relieving officer of the E. union, to afford relief in weekly sums of 2s. and 2s. 6d. to specified paupers. The clerk of the W. union sent the accounts of such relief from time to time to the guardians of the E. union, in some cases for the preceding quarter, in others for the preceding half-year; but in no case were such accounts sent in within fourteen days from the close of the quarter to which the accounts related, as required by Article 80 of the General Consolidated Order; but some of such accounts were sent a few days thereafter, and others not until after two or three months of the prescribed time. The guardians of the W. union claimed 206l. from the guardians of the E. union in respect of such relief, and brought an action for the same. Payments had been made in respect of such relief by the E. union within six years of the commencement of the action:—*held*, first, that an action will not lie by the guardians of one union against the guardians of another

for relief afforded to their non-resident poor. Secondly, that assuming the action could be maintained, the authority given by the E. union to relieve the paupers, was subject to compliance by the W. union with the orders of the poor law commissioners requiring the accounts of such relief to be sent to them within fourteen days after the close of the quarter to which they applied, and that not having been complied with they were not liable. Thirdly, that the Statute of Limitations applied notwithstanding the payments. But *quære* whether an action could be maintained against the guardians even if the accounts had been transmitted in conformity with the provisions of the order in that behalf.

4 & 5 WILL. 4, c. 76, s. 51.

Penalty on Guardians, &c., for Supplying Goods for use of the Poor.

See *Woolley v. Kay*, 25 L. J. (n. s.) Exch. 351; *Le Feuvre v. Lankaster*, 23 L. J. (n. s.) Q. B. 254.

Supply of Goods to Workhouse by Guardian—Penalty.

Greenhow v. Parker, 31 L. J. (n. s.) M. C. 22; 26 J. P. 24.

A guardian supplied oat-chaff to the order of the master of the workhouse of the union, for the use of the inmates, and was paid for it by the master, who debited the guardians with the amount:—*held*, that although the master might not have had authority to order the goods, the guardian was subject to the penalty under the 53 Geo. 3, c. 137, s. 6; 4 & 5 Will. 4, c. 76, s. 51.

Libel on Guardian—Privileged Communication.

Reg. v. Goodwin, 21 J. P. 742.

A criminal information does not lie against a ratepayer in a union who *bonâ fide* and without malice accuses, in a letter to the chairman of a board of guardians, one of the guardians of contracting to supply the poor within the union with goods, and also with supplying those goods of inferior quality, although the ratepayer has refused to substantiate his charges before a partial tribunal.

4 & 5 WILL. 4, c. 76, s. 56.

Relief to Lunatic Child above Sixteen not relief to Parent.

Reg. v. St. Mary Islington, 31 L. J. (n. s.) M. C. 233; 6 L. T. (n. s.) 606; 26 J. P. 661; 9 Jur. (n. s.) 155.

Where a lunatic pauper above sixteen, who has lived unemancipated in the family of her widowed mother, has been sent to a lunatic asylum, and her maintenance charged to the parish of settlement, such maintenance is not to be reckoned relief to the mother, so as to make the period of such support liable to be deducted from the period conferring a status of irremovability

upon the mother :—*Quere*, whether the confinement of a lunatic child in an asylum at the charge of a parish, even if under the age of sixteen, be relief to the parent.

Non-liability of Parent to provide Medical Aid for Emancipated Child.

Reg. v Shepherd, 26 J. P. 101.

Where an emancipated unmarried daughter lived with her mother and stepfather, and was taken with the pains of childbirth, and the mother declined to send for a midwife or medical assistance, in consequence of which the daughter died, and the mother was then indicted for manslaughter; but the indictment not alleging, nor the facts proving, that she had the pecuniary means of employing medical aid, it was *held* that the conviction was bad, for there was no legal duty on a mother in such circumstances to employ medical aid for her daughter.

4 & 5 WILL. 4, c. 76, s. 58.

Relief on Loan for purposes of Burial.

Reg. v. Vann, 21 L. J. (n. s.) M. C. 39.

A parent is bound to provide christian burial for the body of a deceased child if he has the means; but if he has not the means, though the body remains unburied and becomes a nuisance to the neighbourhood, he is not indictable for the nuisance, notwithstanding he could have obtained money for the burial expenses by way of loan from the poor law authorities of the parish; for he is not bound to incur a debt.

4 & 5 WILL. 4, c. 76, s. 71.

Custody of Illegitimate Child fourteen years of age.

Reg. v. Claydon, 34 L. T. 46.

Per Blackburn, J.—He had looked into the law, and was clearly of opinion that an illegitimate child of fourteen had a right to go where she thought proper: all he had to do was to see that there was no restraint used.

Maintenance of Illegitimate Child after Death of Mother—Liability of Personal Representatives.

Ruttinger v. Temple, 9 L. T. 256; 27 J. P. 724.

There is no legal obligation on the part of the personal representative of the deceased mother of an illegitimate child under 16 years of age, to pay out of the assets for the expenses of its maintenance incurred after the mother's death.

4 & 5 WILL. 4, c. 76, s. 79.

Sending Notice of Chargeability by Post—Arrival on a Sunday.

Reg. v. Locominster, 26 J. P. (n.) 132, 342; 31 L. J. (n. s.) M. C. 95;
6 L. T. (n. s.) 216; 8 Jur. (n. s.) 793; 2 B. & S. 391.

Admitting that the delivery of the documents in the ordinary manner would be service of an order or process within 29 Car. 2, c. 7, s. 6, the transmission of them by post, under s. 79 of 4 & 5 Will. 4, c. 76, where, by the ordinary course of post, they reached on Sunday the hands of the overseers of the parish to whom the order was directed, was not void by 29 Car. 2, c. 7; s. 6.

4 & 5 WILL. 4, c. 76, s. 81.

Service of fresh Grounds of Appeal after Adjournment.

Reg. v. Kendall, 32 L. T. 274; 23 J. P. 68; 28 L. J. (n. s.) M. C. 110;
5 Jur. (n. s.) 545.

Service of fresh grounds of appeal against an order of removal after an adjournment, on the ground of the absence of a material witness:—*held*, on the authority of *Reg. v. Derbyshire JJ.*, 6 A. & E. 912 n. b.; 7 L. J. (n. s.) M. C. 91, that under 4 & 5 Will. 4, c. 76, s. 81, the appellant had power to serve fresh grounds of appeal, and that the quarter sessions were right in quashing the order.—*Reg. v. Arlecdon*, 11 A. & E. 87; 9 L. J. (n. s.) M. C. 9, distinguished.

Sending grounds of Appeal—Entering and respiting Appeal.

Colemore app., *Funtingdon resp.*, 6 L. T. (n. s.) 422, S. C. nom. *Reg. v. Sussex JJ.*, 2 B. & S. 664; 6 Jur. (n. s.) 1150; 8 Jur. (n. s.) 883; 24 J. P. 759; 26 J. P. 403; 31 L. J. (n. s.) M. C. 193.

By 4 & 5 Will. 4, c. 76, s. 81, an appellant is bound to give fourteen clear days' notice of grounds of appeal; and by the 11 & 12 Vict. c. 31, s. 9, an appellant has fourteen days after receiving a copy of the depositions within which to give his notice of appeal. If, at the expiration of such last-mentioned fourteen days, there is time, by the practice of the sessions, to give full notice of appeal, but not time to give fourteen days' notice of grounds of appeal, the appellant ought to apply to enter and respite his appeal, and the sessions are bound to receive and respite it accordingly.

4 & 5 WILL. 4, c. 76, s. 82.

Principle on which Costs should be awarded.

Reg. v. Glamorganshire JJ., 4 N. S. C. 110.

Where it appeared that the sessions, on an application by the successful party for the costs of an appeal, considered themselves bound by a former order of sessions that 40s. costs only should be allowed on appeals, and acted thereon and awarded only 40s. costs, it was *held* that such general rule was unreasonable, and

that the sessions were bound to consider the question of costs irrespective of the former order of sessions, and to award to the successful party a fair and reasonable sum for the costs incurred in supporting the appeal.

4 & 5 WILL. 4, c. 76, s. 84.

Relief under Order of Removal—For what period Payment may be enforced.

Collumpton v. Brighton, 3 L. T. (n. s.) 318, S. C. nom. Hill v. Thorncroft, 30 L. J. (n. s.) M. C. 52; 7 Jur. (n. s.) 163.

An order for the removal of a woman having been made, notice of chargeability, &c., served on the parish of settlement, and no notice of appeal given, the pauper, being pregnant (though not unable to travel at the making of the order), was not removed until after her delivery, about six months from the service of the notice of chargeability, &c.:—*held*, the removing parish could recover from the parish of settlement, under 4 & 5 Will. 4, c. 76, s. 84, only the costs of maintenance for the twenty-one days next after service of the notice of chargeability. Section 35 of 11 & 12 Vict. c. 43, which enacts that nothing in the Act shall be construed to extend to any order of removal, does not exempt from the operation of the Act an order (under 4 & 5 Will. 4 c. 76, ss. 84 & 99), upon the parish of settlement for the payment of the costs of maintenance of a pauper incurred between service of the order of removal, &c., and actual removal; and the information for the non-payment must, therefore, be laid within six months, under the general limitation of Section 11.

Irremovability of Pauper—Costs of Maintenance—Recovery of.

Salford v. Manchester, 32 L. J. (n. s.) M. C. 107; 7 L. T. (n. s.) 823; 9 Jur. (n. s.) 821; 27 J. P. 118.

On the 12th March, 1862, an order was made for the removal of a pauper who had resided in the union for three years next before the application for the order, against which order there was no appeal, and it was duly executed. The removing parish had incurred expense in maintaining the pauper between the time of sending their notice of chargeability and the time of removal; and it was *held* that the removing parish could not recover such costs of maintenance in a proceeding under 4 & 5 Will. 4, c. 76, s. 84, the removal after the 25th of March, 1862, being illegal, although the order of removal, being before the statute, was valid, according to *Reg. v. St. Mary's, Whitechapel*, 17 L. J. (n. s.) M. C. 172.

4 & 5 WILL. 4, c. 76, s. 92.

Bequest of Money to supply Fermented Liquors to Poor in Workhouse.

Attorney-General v. Vint, 19 L. J. (n. s.) Ch. 150.

An order was made in this case that the dividends of the fund should be paid to the vicar of the parish, to be applied by him

pursuant to the provisions of the will, so far as the same might be consistent with the Poor Law Amendment Act.

4 & 5 WILL. 4, c. 76, s. 105.

Certiorari—Orders of Poor Law Board addressed to more than one Parish or Union.

See *Brushfield v. Baynton*, *ante*, page 56.

4 & 5 WILL. 4, c. 76, s. 109.

Guardians—Who are under Local Act.

Reg. v. St. Pancras, E. B. & E. 583; 27 L. J. (n. s.) M. C. 281; 5 Jur. (n. s.) 120.

The directors of the poor of the parish of St. Pancras are "guardians" within the definition of the 109th section of 4 & 5 Will. 4, c. 76; and an order of the poor law board to appoint an auditor, under Section 46 of that Act, was held to have been properly addressed to the directors alone.

Construction of Interpretation Clause.

Reg. v. Cambridgeshire JJ., 7 A. & E. 791.

An interpretation clause is not to receive a rigid construction; and it is not to be taken as substituting one set of words for another, nor as strictly defining what the meaning of a word must be under all circumstances. It merely declares what persons may be comprehended within a particular term, where the circumstances require that they should.—*Per Lord Denman*, C. J.

5 & 6 WILL. 4, c. 62, s. 9.

Continuance of Churchwardens in Office.

Bray app., Somers resp., 8 Jur. (n. s.) 716.

A churchwarden remains in office and is liable for the non-performance of the duties thereof, until his successor has made and subscribed the declaration required under the provisions of the 5 & 6 Will. 4, c. 62, s. 9.

5 & 6 WILL. 4, c. 69, s. 1.

Statute of Mortmain.

Burnaby v. Barsby, 33 L. T. 286.

A conveyance of land to trustees for the benefit of the poor of the parish, as for building a workhouse, is not void as being under the Statute of Mortmain, 9 Geo. 2, c. 36.

5 & 6 WILL. 4, c. 69, s. 3.

Legal Estate—How vested.

Worge v. Relf, 11 L. J. (n. s.) M. C. 125.

The 5 & 6 Will. 4, c. 69, does not transfer the legal estate in parish property from the churchwardens and overseers to the guardians of the union of which the parish forms a part. Where a title, not complete in the parish offices at the time of the passing of that Act, is afterwards completed by a twenty years' possession, the legal estate so obtained vests in the churchwardens and overseers, and not in the guardians. The possession of the agent of the guardians is the possession of the churchwardens and overseers.

Stamp Duty on Agreement.

Banbury v. Robinson, 12 L. J. (n. s.) Q. B. 327.

An agreement entered into by the guardians of a union with the proposed purchaser, for the sale to him of certain parish cottages and premises, in pursuance of an order of the poor law commissioners, under s. 3 of 5 & 6 Will. 4, c. 69, is an agreement exempt from stamp duty under s. 86 of 4 & 5 Will. 4, c. 76.

5 & 6 WILL. 4, c. 76, s. 15.

*Burgess List.*Clarke v. Gant, 8 W. H. & G. 252. See also Hunt v. Hibbs, 5 H. & N. 123, *infra*.

All the overseers, whether churchwardens or not, must sign the list.

5 & 6 WILL. 4, c. 76, s. 24.

Expense of Lists for Registration of Voters.

Reg. v. Allday, J. B.; 22 J. P. 159.

Money appeared as having been paid to the town clerk in reimbursement of a like sum paid by him for arranging in alphabetical order the list of voters and preparing them for the printer, the town clerk claiming to be allowed it as an expense necessarily incurred in preparing the register of voters of the borough of Birmingham. The auditor thought that the work ought to have been done by the town clerk or his ordinary clerks without extra charge, and disallowed the claim:—*held*, that the disallowance was right, as nothing appeared to show that the work could not have been done by the town clerk with his regular staff of clerks.

5 & 6 WILL. 4, c. 76, s. 48.

Burgess List—Penalties.

Hunt v. Hibbs 6 Jur. (n. s.) 78; 29 L. J. (n. s.) Exch. 222; 5 H. & N. 123; 1 L. T. (n. s.) 379.

Any overseer who neglects or refuses to make out, sign and

deliver the “burgess list” to the town clerk, on or before the 1st September in every year, as required by 5 & 6 Will. 4, c. 76, s. 15 and 20 & 21 Vict. c. 50, s. 7, is liable to the penalty imposed by the 48th section of the former Act, although he has made out, signed and delivered such list on or before the 5th September, the provision as to time being imperative, and not directory only. The names in the list must be in alphabetical order.

6 & 7 WILL. 4, c. 96, s. 1.

“*Clear Yearly Value.*”

See *Coog v. Luckett*, 15 L. J. (n. s.) C. P. 159.

Under 2 Will. 4, c. 45, s. 27, *per* Erle, J., the test of the “clear yearly value” is what the tenement would fairly let for, deducting therefrom what a tenant would fairly have to pay (for rates), just as in settlement cases. In the second case, “clear yearly value of not less than 10*l.*” is the “clear yearly value to the tenant of 10*l.*,” and “the fair annual rent,” without deducting therefrom either the landlord’s insurance or the landlord’s repairs, is the proper criterion of the “clear yearly value.”

“*Annual Value.*”

See *Baker v. Marsh*, 4 E. & B. 145.

Under 5 & 6 Will. 4, c. 76, s. 28, the “annual value” is the real net value, after deducting outgoings, on which the rate is assessed.

“*Amount of Rate*”—*When it means Rateable Annual Value.*

Easton v. Alce, 7 H. & N. 452.

By a local Act “twelve inhabitant householders, resident in the town or parish of Rye, rated to the relief or maintenance of the poor of the said parish, by one or more rate or rates to the amount of 10*l.* per annum,” shall be appointed commissioners of the harbour of Rye; and it was *held* that the rateable annual value, and not the rates payable, conferred the qualification.

(*Fawcett v. Bombay JJ.*, 5 E. F. Moo. 143; 3 Moo. Indian appeals, 408, relates to the application of 6 & 7 Will. 4, c. 96, s. 1, to the assessment of premises at Bombay to certain rates in India.)

Rating Brewery.

Allison v. Monkwearmouth, 23 L. J. (n. s.) M. C. 177.

Held (Erle J. differing), first, that a sum of £150 paid for the goodwill of certain public-houses was to be taken into account in estimating the rateable value of the occupation of the brewery and premises; second, that the occupier was not entitled to claim a deduction equal in amount, as an outgoing necessary to the obtaining by the brewery of the profit derived from the trade of the public-houses.

Principle of Rating with respect to Church Rates.

See *Medland and Brown v. Paine*, 23 J. P. 39; 4 Jur. (n. s.) 1283.

Value at Time of Assessment.

According to *Reg. v. London, Brighton, and South-Coast Railway Company*, 15 Q. B. 313, the value of the property at the time of the assessment is the correct basis upon which the assessment is to be laid.

6 & 7 WILL. 4, c. 96, s. 2.

Declaration at Foot of Rate.

Paynter v. Reg. in error, 10 Q. B. 908.

A poor rate is not invalid because the declaration at the foot of it is not in the very words of the form in the schedule to the Act, and a notice of publication need not state that the rate has been allowed by justices.

Allowance of Poor Rate.

Fox app., Davies resp., 18 L. J. (n. s.) C. P. 48; 13 Jur. 155.

A poor rate when it is not allowed by the justices is a nullity.

Reg. v. Great Western Railway Company, 12 S. C. 301.

Re-allowance and re-publication will not cure an original defect in the rate.

6 & 7 WILL. 4, c. 96, s. 3.

Charge on Rates is not limited to the Five Years.

Reg. v. Hurstbourne Tarrant, 31 L. T. 115; 22 J. P. 321, 317; 4 Jur. (n. s.) 783; 27 L. J. (n. s.) M. C. 214; 1 E. B. & E. 246.

Although by the 6 and 7 Will. 4, c. 96, s. 3, in case the expense of a survey is made a charge on the rate generally, provision must also be made for paying off not less than one-fifth of the sum charged on the rates, and such interest as might from time to time be payable in respect of such charge, or any part thereof, in each succeeding year, till the whole is repaid, still the parish officers have power to charge the rate after the end of the five years in order to raise the money remaining due, with interest, and in the particular case, as the applicant had not been guilty of gross negligence, ought to be ordered to do so.

6 & 7 WILL. 4, c. 96, s. 6.

How when a Local Act provides for Appeals.

See *Ex parte Eastern Counties Railway Company*, 22 J. P. (n.) 786.

Case for Superior Court.

Wheeler v. Brimington, 6 Jur. (n. s.) 698; 2 L. T. (n. s.) 171; 29 L. J. (n. s.) M. C. 175; 24 J. P. 261, 660.

The 20 and 21 Vict. c. 43 is not applicable to a decision of justices under this section.

6 & 7 WILL. 4, c. 86, s. 7.

Superintendent Registrar of Births, &c.; Vacancy—Right of Appointment—Clerk to Guardians.

Ex parte Passman in re Edward Draper, 24 J. P. (n.) 389.

Quære, whether a vacancy in the office of clerk to the board of guardians causes a vacancy in that of superintendent registrar; and whether the clerk *de facto* of a union has always a right to be superintendent registrar thereof?

Reg. v. Accason, 6 L. T. (n. s.) 535; 26 J. P. 436; 8 Jur. (n. s.) 841.

The clerk to the guardians of the poor was absolutely entitled to the first appointment to the office of superintendent registrar of births, deaths, and marriages; but in every vacancy thereafter the guardians have been and are entitled to appoint any other person who is properly qualified.

7 WILL. 4, & 1 VICT. C. 22, s. 18.

Exemption from serving office of Overseer.

Reg. v. Chester JJ., 4 Jur. 484.

The appointment of a person who is registrar of births, deaths, and marriages, as an overseer of the poor is not void; in order to render it so, the overseer must appeal to the sessions under 43 Eliz. c. 2, s. 6.

7 WILL. 4, & 1 VICT. C. 45, s. 1.

Vestry Meeting—Notice.

Rand v. Green, 7 Jur. (n. s.) 126.

A notice of a vestry meeting affixed on the parish church doors, and addressed "to the churchwardens, overseers, and principal inhabitants of this parish," is a valid notice, though it does not name the parish, and although it is addressed to the principal inhabitants.

7 WILL. 4, & 1 VICT. C. 45, s. 2.

Vestry Meetings—Affixing Notices on Church Doors.

See Reg. v. Whipp, 12 L. J. (n. s.) M. C. 64; Burneley v. Methley, 1 E. & E. 789; 28 L. J. (n. s.) M. C. 152; 5 Jur. (n. s.) 914; 33 L. T. 422; 7 W. R. 482; Ormerod v. Chadwick, 16 L. J. (n. s.) M. C. 143.

If a notice be affixed on the principal door of the church it will suffice.

How when the Parish is divided into Chapelries, each maintaining its own Poor.

See Reg. v. Worcestershire JJ., 10 L. J. (n. s.) M. C. 12.

Publication of Notice of Allowance of Rate.

Burneley v. Methley, 5 Jur. (n. s.) 914; 28 L. J. (n. s.) M. C. 152; 1 E. & E. 789; 23 L. T. 132.

The notice of allowance of a poor rate under 7 Will. 4, and 1 Vict. c. 45, s. 2, need not be signed; and a notice signed only by an overseer and assistant-overseer is good. The notice is to be affixed on the church door "previously to the commencement of divine service." The affixing of the notice before the evening service at six o'clock, was therefore *held* to be sufficient.

7 WILL. 4, & 1 VICT. c. 81, s. 1.

Mandamus will not lie to enforce Contribution Order.

Reg. v. Hunslet 33 L. T. 104; 23 J. P. 276; 28 L. J. (n. s.) M. C. 180; 5 Jur. (n. s.) 913; E. & E. 775.

A mandamus will not lie to enforce from the overseers of a township in a municipal borough the quota of a pound rate towards the borough fund payable by the township, a remedy by distress warrant under the hand and seal of the mayor being given by 7 Will. 4, and 1 Vict. c. 81, s. 1.

2 & 3 VICT. c. 28, s. 1.

What Property is subject to Watch Rate—Liability of Railway Company.

Great Western Railway Company *app.*, Maidenhead *resp.*, 26 J. P. 776; 11 C. B. (n. s.) 653.

All property within a borough, although situate more than two hundred yards distant from any street or continuous line of houses is subject to the rate, and there is nothing in the subsequent Act, 3 & 4 Vict. c. 28, limiting that liability.

2 & 3 VICT. c. 62, s. 4.

Boundary of Parish—Tithe Commutation Award—Conclusiveness of.

Reg. v. Madeley, 19 L. J. (n. s.) M. C. 187.

An award by the tithe commissioners under 1 Vict. c. 69, and 2 & 3 Vict. c. 62, as to the boundary of a parish is not conclusive as to what was the boundary prior to the time when the award was made.

2 & 3 VICT. c. 81, s. 1.

Contribution Orders of Guardians—Retrospective Calls.

See *Waddington v. Guardians of City of London Union*, *ante*, p. 6.

Enforcement of Order—Statement of Case under 20 & 21 Vict. c. 43.

Sparrow v. Imprington, 29 L. J. (n. s.) M. C. 176; 6 Jur. (n. s.) 953.

The court suggested that the parties should consent to the case being taken as the materials for a rule under 11 & 12 Vict. c. 44, s. 5.

3 & 4 VICT. c. 29, s. 8.

Exposing Small-Pox Patients in Public.

Rex v. Vantandillo, 4 M. & S. 73.

A person indicted for unlawfully and injuriously carrying a child infected with the small-pox along a public highway, in which persons are passing, and near to the habitations of the king's subjects, was sentenced to imprisonment in the custody of the marshal for three calendar months.

Rex v. Burnett, *ibid.* 272.

So also it was *held* that it is an indictable offence in an apothecary unlawfully and injuriously to inoculate children with the small-pox, and while they are sick of it, unlawfully and injuriously to cause them to be carried along a public street.

3 & 4 VICT. c. 54, s. 2.

Insane Prisoners—Order of Maintenance.

Reg. v. Bishopwearmouth, 23 J. P. 100. See also *Reg. v. Leaden Roothing*, 12 Q. B. 181.

Lunatic's husband irremovable under 9 & 10 Vict. c. 66, but residing in a parish different from that to which the lunatic was chargeable:—*held*, that the order of maintenance was properly made on the parish of settlement.

Property of Lunatic—Maintenance of Lunatic's Children.

See in *re Simpson's Trust Estate*, 15 Jur. 754; 20 L. J. (n. s.) M. C. 231.

Retrospective Orders.

Rex v. St. Nicholas, 3 A. & E. 79; and *Rex v. Maulden*, 8 B. & C. 78 seem to be conclusive on the point.

The 3 & 4 Vict. c. 54, does not warrant the justices in making a retrospective order upon the guardians.

3 & 4 VICT. c. 61, s. 2*

Beerhouse Licence.

Thompson v. Harvey, 32 L. T. 320.

Although the fact that the applicant is the real resident holder and occupier is essential to give validity to a licence under 3 & 4 Vict. c. 61, s. 1, the certificate of the overseer of the fact is not a condition precedent to the obtaining of the licence. And where the overseer declined to certify, but the supervisor of excise obtained information which satisfied him that the applicant was the resident holder and occupier, and thereupon the licence was granted, the licence was held to be valid.

Liability of Overseer for refusing to Certify.

Robins v. Warren in Somerset County Court at Taunton, 37 L. T. 553.

Held by the judge of the county court that an action would lie against overseers for refusing to certify whereby plaintiff lost his licence.—Verdict for the plaintiff with damages and costs.

3 & 4 VICT. c. 88, s. 9.

Police Rates in Liberties.

Reg. v. Lackmanstone, 2 L. T. (n. s.) 215.

The police rate made and assessed under 2 & 3 Vict. c. 93, and 3 & 4 Vict. c. 88, is assessable in the Liberty of Romney Marsh, which was incorporated by charter of James I., in 1604, and ever since has been exempt from the jurisdiction of the county justices, having its own rate in the nature of a county rate, maintaining its own constables, and having a gaol and court of quarter sessions.

3 & 4 VICT. c. 88, s. 17.

Prosecution of Vagrants.

Reg. v. Chelmsford, 12 L. J. (n. s.) M. C. 139.

Relates to the payment out of poor rate of expenses of constables, incurred in the prosecution of vagrants.

5 & 6 VICT. c. 57, s. 8.

Election of Guardians—Excess of Jurisdiction of Poor Law Board in declaring Election void.

See Reg. v. Poor Law Board, in re West London Union, 22 J. P. (n.) 35.

5 & 6 VICT. c. 57, s. 9.

Election of Guardians—Resignation of Candidates—How in the Case of the Brighton Board of Guardians.

See Reg. v. Brighton, 14 J. P. 366.

* 5 & 6 VICT. c. 57, s. 17.

Seal of Guardians.

Reg. v. Farthinghoe, 1 N. S. C. 238.

It must be placed to their minute of appointment in the manner required by the statute.

5 & 6 VICT. c. 109, s. 3.

Substitute for Constable.

Reg. v. Booth, 18 L. J. (n. s.) M. C. 25; 13 Jur. 6.

The substitute need not be on the list made out by the vestry.

5 & 6 VICT. c. 109, ss. 18, 19.

Certiorari.

Reg. v. York (W. R.) JJ., 11 Jur. 713.

Certiorari does not lie to bring up a resolution of vestry.

5 & 6 VICT. c. 109, s. 18.

How when there are County Constables appointed under 2 & 3 Vict. c. 93.

Reg. v. North Bierley, 31 L. T. 179; E. B. & E. 519; 22 J. P. 399; 23 J. P. 133; 4 Jur. (n. s.) 784; 27 L. J. (n. s.) M. C. 275.

Under 5 & 6 Vict. c. 109, the justices have a discretion to issue their precept to the overseers of parishes to summon a vestry meeting to make out a list of persons qualified and liable to act as parish constables; and when they have done so, and their precept has not been obeyed, a mandamus may be obtained to enforce it.

6 & 7 VICT. c. 18, s. 4.

How when the day falls on a Sunday.

Rawlins v. West Derby, 15 L. J. (n. s.) C. P. 70; 10 Jur. 268.

The 20th of July happening to be on a Sunday, it was held that the notice required by the section might legally be given upon that day.

6 & 7 VICT. c. 18, s. 17.

Assistant Overseers.

Points app., Attwood *resp.*, 6 C. B. 38; 2 Lut. R. C. 117; 13 Jur. 83; L. J. (n. s.) C. P. 19.

An assistant overseer appointed under 59 Geo. 3, c. 12, s. 7, is an overseer within the meaning of 6 & 7 Vict. c. 18, s. 17.

6 & 7 VICT. c. 18, ss. 48, 55.

Expenses of Town Clerk in Copying and Arranging Borough Lists.

Reg. v. Allday, 21 J. P. 388; 22 J. P. 159; 3 Jur. (n. s.) 961; 26 L. J. (n. s.) M. C. 203; 7 E. & B. 799. Reg. v. Hull, 7 E. & B. 801.

The town clerk of a borough is not entitled under Section 55 to be paid out of the poor rates for copying and arranging the lists of voters for the parishes in the borough, pursuant to Section 48; and if he employs and pays another to do this, when it might be done by himself and his usual staff of clerks he is not entitled to be reimbursed. The officers of any parish making such payment to the town clerk are liable to be surcharged the amount by the auditor. But the town clerk is entitled to be reimbursed for the expense of printing.

6 & 7 VICT. c. 36, s. 1.

Exemption from Poor Rate—Liverpool Library—Shares and Subscriptions.

Liverpool Library v. Liverpool, 2 L. T. (n. s.) 325; 29 L. J. (n. s.) M. C. 221; 5 H. & N. 526; 24 J. P. 549.

The exemption from rates applies to rates imposed subsequently to 6 & 7 Vict. c. 36, s. 1.—This society was a society the funds of which were derived from the purchase-money of shares, the possession of which entitled persons to its benefits, from the subscriptions of members, from fines, sale of forfeited shares and sale of books withdrawn from library, and of catalogues. In default of payment of subscriptions shares of members might be declared forfeited; the shares were transferable and might be sold. The rules contained a prohibition against any dividend, gift, division, or bonus being made to or between the members, no newspapers were introduced and the books were circulated solely among the members and such strangers as were gratuitously introduced by members:—*held*, that the society was entitled to the exemption claimed.

Musical Club—Use of Rooms for Charitable Purposes.

Reg. v. Brandt, 20 L. J. (n. s.) M. C. 119; 4 N. S. C. 494.

Held, that the society could be regarded only as a musical club, the primary object of which was the gratification and amusement of the members and their families, and therefore not entitled to an exemption from poor rates as a society instituted for the purposes of the fine arts exclusively within 6 & 7 Vict. c. 36; *held* also, that had the society been otherwise entitled to the exemption, the accidental use of the hall for the benefit of the local Infirmary, in 1848, would not have effected the right to exemption.

Society exclusively for purposes of Science—Exclusive Occupation.

Reg. v. Royal Medical and Chirurgical Society of London, 21 J. P. 789.

A society instituted for the cultivation and promotion of medi-

cine and surgery, and the branches of science connected therewith, is a scientific society exempted from rates in respect of premises occupied solely by them, by virtue of 6 & 7 Vict. c. 36, s. 1.

Premises used as Training Schools for Military Bands.

Reg. v. Kneller Hall, 31 L. T. 212.

In this case the expenses of the establishment were defrayed by contributions from officers of the Queen's army, and the masters were allowed to take private pupils at £50 a year each, who boarded and lodged out of the establishment:—*held*, that the premises were rateable to the relief of the poor.

Society for Literature and Fine Arts.

Bradford Library and Literary Society v. Bradford, 22 J. P. (n.) 783; 28 L. J. (n. s.) M. C. 73; 5 Jur. (n. s.) 513; S. C. nom. Reg. v. Bradford Library and Literary Society, 32 L. T. 105.

The Bradford Library and Literary Society is exempt as a society instituted for the purposes of science, literature, and the fine arts exclusively—the fact of the use of the library and its contents being confined to the subscribers, not making their purposes less the primary object of the society, or preventing it from coming within the exemption in 6 & 7 Vict. c. 36, s. 31. Contributions are voluntary, if the obligation to pay be voluntarily incurred; and the personal benefit derived to contributors in having the exclusive use of the rooms and the use of books at their houses, in return for their subscription, is not such as to take them out of the meaning of “voluntary contributions,” in the proviso to Section 1 of 6 & 7 Vict. c. 36.

7 & 8 VICT. c. 101, s. 1.

Evidence of Putative Father.

See ex parte Mary Cowley, 24 L. T. 244; Cattell v. Ireson, 27 L. J. (n. s.) M. C. 169; Reg. v. Berry, 32 L. T. 324; Reg. v. Simmons, 33 L. T. 151.

7 & 8 VICT. c. 101, s. 2.

Corroborative Evidence—Payment by Putative Father.—Application Twelve Months after Birth of Child.

Hodges v. Bennett, 29 L. J. (n. s.) M. C. 224; 5 H. & N. 625; 1 L. T. (n. s.) 190; 24 J. P. 375.

It is not necessary that the statement on oath of the mother upon the application for a summons in bastardy, more than twelve months after the birth of the child, should be corroborated. At the hearing it is sufficient corroboration of the mother's testimony within 7 & 8 Vict. c. 101, s. 3, if she is corroborated as to the paternity of the child, although there is no corroboration of the payment of money by the alleged father within twelve months after the birth of the child.

Summons—Death of Justice.

Reg. v. Pickford, 4 L. T. (n. s.) 210; 7 Jur. (n. s.) 568; 30 L. J. (n. s.) M. C. 133; 1 E. B. & S. 77; 24 J. P. (n.) 708.

A justice has no power to issue a second summons after the expiration of twelve months from the birth of the child, upon an application which had been made to a deceased justice within the prescribed time.

Married Women.

Yates v. Chippendale, 26 J. P. 182; 11 C. B. (n. s.) 512. See also *Spinster v. Wymondham*, 2 G. & D. 690; 2 A. & E. (n. s.) 541.

In affiliation cases where the mother is a married woman, it is a question for the justices, upon the evidence before them, whether there was non-access by the husband so as to justify them in making an order on the putative father of the child. Where the justices came to the conclusion of non-access irrespective of the evidence of the mother of the child on this point, the court holding that the justices were the proper tribunal to determine the question of paternity under such circumstances, affirmed the order on the putative father.

Amendment—Last Place of Abode.

Reg. v. Higham, 21 J. P. (n.) 277; 22 J. P. 6.

A summons in bastardy, issued the 14th of July, 1856, against H., was left at the house of his father on the 29th of the same month; but he had left his father's residence on the 13th. The reason for his leaving was that he expected proceedings to be taken against him as the putative father. He did, in fact, go and obtain work when he left his father's house, and at the time of such leaving had not any intention of returning to reside with his father:—*held*, that the leaving the summons at his father's residence was a good service at the last place of abode under the 7 & 8 Vict. c. 101, s. 3.—A summons in bastardy recited that the mother resided at M., within the petty sessional division of B., in the county of N., and an application to a justice usually acting for that division. The order, in reciting the mother's application stated that she resided at M., in the county of N., without stating that M. was within the petty sessional division:—*held*, that the court on motion to quash the order after removal by writ of certiorari, had jurisdiction to amend the order under the 12 & 13 Vict. c. 45, s. 7, the facts showing that sufficient grounds were in proof before the justices to have justified them in drawing up the order free from the omission.

Amendment of Order under 12 & 13 Vict. c. 45, s. 7.

Ibid. 7 E. & B. 257; 26 L. J. (n. s.) M. C. 116.

Order of Maintenance—Summons not issued till after twelve months of the Birth.

Potts *app.*, Cambridge *resp.*, 30 L. T. 257; 4 Jur. (n. s.) 72; 27 L. J. (n. s.) M. C. 62; 22 J. P. (n.) 63, 594.

The 7 & 8 Vict. c. 101, restricts the jurisdiction of justices in matters of bastardy to the extent that the application for the summons against the putative father must be made within twelve months after the birth; but if the summons, founded on an application within that time, is issued as soon as it can be made available, it need not issue at once if the justice on the evidence before him—for instance, on evidence that the residence of the putative father is not known—thinks it useless that it should issue at once.

Affiliation Order—Residence.

Reg. v. Myott, 32 L. J. (n. s.) M. C. 133, 7 L. T. (n. s.) 785, S. C. nom. Myott *app.*, Barber *resp.*, 27 J. P. 598. See also Reg. v. Hughes, 26 L. J. (n. s.) M. C. 133.

* Where an application to county justices for an order had been refused on the merits, and the woman afterwards took lodgings in a neighbouring borough and remained there nearly a month, and then applied to the borough justices for an order, it was *held* that the object of the woman being to obtain a new tribunal, she did not “reside” within the borough so as to give the borough justices jurisdiction under 7 & 8 Vict. c. 101, s. 2.

Perjury.

Reg. v. Berry, 28 L. J. (n. s.) M. C. 86; 32 L. T. 324; 5 Jur. (n. s.) 320. See also Reg. v. Simmonds, 32 L. T. 153; 5 Jur. (n. s.) 578.

The proceeding under the statute is not one in *pœnam* to punish a crime, but a civil suit within the meaning of 14 & 15 Vict. c. 99, ss. 2, 3.

7 & 8 VICT. c. 101, s. 3.

Service of Summons.

Reg. v. Lightfoot, 25 L. J. (n. s.) M. C. 115; 20 J. P. 677.

The service of the summons beyond the limits of England and Wales is not due service, and in such a case the justices would not have jurisdiction to make the order on the putative father.

What a Residence to enable the Mother to apply for an Order.

See Reg. v. Hughes, 26 L. J. (n. s.) M. C. 133; 3 Jur. (n. s.) 448.

Defective Order.

Ex parte Coley, 4 N. S. C. 507.

An order bad in part and good in part may be enforced as to the good part, if severed from the bad.

Order on Soldier—Mutiny Act.

Reg. v. Ferrall, 4 N. S. C. 393; 20 L. J. (n. s.) M. C. 39.

If an order of justices be made commanding a soldier in the Queen's service to pay a certain sum weekly for the maintenance of a bastard child, the soldier may be indicted for refusing to obey the order, and is not protected from punishment by the Mutiny Act, s. 52, 12 & 13 Vict. c. 10, as such disobedience is a criminal matter, and criminal matters are expressly excepted from the operation of that section.

Service of Summons at last Place of Abode—Absence of Defendant.

Reg. v. Brown, 1 L. T. (n. s.) 29; 24 J. P. 5.

The alleged father resided with his parents, and had set out for a month's tour, leaving word that he would be back in a month, but leaving no address where he might be found in the meantime. During his absence a summons was served at his father's house. At the hearing his mother attended before the justices and explained that her son was from home, and knew nothing of the summons, but if the hearing was adjourned for a fortnight he would then have returned home. The justices refused to adjourn the hearing and made the order:—*held*, though the justices would have exercised a wise discretion in adjourning the hearing, still, as they had complied with the statute, the court had no power to grant a certiorari according to the recognized rule of only granting it in cases of defective jurisdiction appearing *ex facie*.

Order after Father paid a Sum of Money to Mother to Compound.

Follit v. Koetzow, 2 L. T. (n. s.) 178; 24 J. P. 277, 612; 29 L. J. (n. s.) M. C. 128; 6 Jur. (n. s.) 651.

The mother of a bastard may validly contract with the putative father not to apply to him for further maintenance or for an order of justices against him under the statute 7 & 8 Vict. c. 101, and she may be liable to the putative father for breach of that contract. The contract nevertheless does not preclude or bar her from afterwards applying to justices for an order on the father; and if she does apply the justices are to take the fact of the contract having been made into their consideration, with all the other circumstances of the case, and then use their discretion as to making the order.

Arrest for Non-Payment of Arrears.

Galliard v. Laxton, 2 B. & S. 363; 26 J. P. (n.) 134, 230.

Where a warrant is issued to a constable by name, and all other officers of the peace for the county, to arrest a person for arrears of payments ordered in bastardy, this being in the nature of a civil debt, the officer who arrests must at the time have the warrant in his personal possession ready to be produced if required. An arrest made without the warrant being in the officer's possession is bad, and may be resisted.

Credibility of Witness—Indictment for Perjury.

Reg. v. Gibbons, 26 J. P. 149.

On the hearing of an affiliation summons, B., the mother, swore that H. was the father. B. was asked in cross-examination if she had not had intercourse with G. at a certain date, which was three months after conception. She denied it, whereupon the justices wrongly allowed G. to contradict her on that point. G., having been indicted afterwards for perjury :—*held*, though the justices ought to have rejected G.'s evidence, yet having admitted it, he was liable to be indicted for perjury, seeing that his false swearing tended to influence the result.

7 & 8 VICT. c. 101, s. 4.

Appeal—Time for Recognizances.

Ex parte Jolinson, 32 L. J. (n. s.) M. C. 91; 27 J. P. 661; 9 Jur. (n. s.) 1128.

The date of the adjudication and of making the order from which the time for appealing is to be calculated, is the day of the hearing and of the justices stating their final decision, though the final order may not be drawn up and signed for some days afterwards.

Order of Affiliation—Notice of Appeal.

Reg. v. Essex JJ., 8 L. T. (n. s.) 275.

The twenty-four hours' notice of appeal runs from the time when the order is verbally made by the justices in court, and not from the time when the order is finally drawn up in writing and signed by the justices.

Jurisdiction and Duty of Justices in taking Recognizance.

See in re Carter, 24 L. J. (n. s.) M. C. 72.

7 & 8 VICT. c. 101, s. 31.

*Dead Body of Pauper given up for Dissection.*See Reg. v. Fiess; see *ante*, p. 54.

7 & 8 VICT. c. 101, s. 32.

Payment of Gratuities and of Poor Rates.

Ex parte Mellish, 38 Law Times, 203, & 8 L. T. (n. s.) 47.

A rule was moved for to the treasurers of the parish of St. Paul, Shadwell, to show cause why a mandamus should not issue commanding them to sign and pay a cheque for £150. The applicant was clerk to the trustees, and vestry clerk, and had had a great deal of extra work and trouble in certain heavy litigation with the London Dock Company, in consideration of which the trustees had passed a resolution giving him £150 as a gratuity. This the treasurers refused to acquiesce in, and therefore the court were applied to for a rule. The court, however, said that this was clearly a gratuity, and there was no power to give gratuities out of the rates.

Law Costs—Discretion of Overseers as to incurring.

Reg. v. Street, 18 Q. B. 682; 22 L. J. (n. s.) M. C. 29.

The overseers are not bound to summon a vestry meeting before contesting an appeal against a poor rate; and in this particular case it was *held* that as the auditor did not allege that what the overseers had done was inexpedient, or that they had acted *malâ fide*, his grounds of disallowance of costs so incurred by the overseers was bad.

Bribery at the Election of an Auditor.

¶ Ex parte Poor Law Board in re Lhoyd, 21 J. P. 243.

Per Lord Campbell, C. J. There can be no doubt but that this is a misdemeanor at common law.

Election of Auditor in a Parish under a Local Act.

See Reg. v. St. Pancras, 27 L. J. (n. s.) M. C. 281; 5 Jur. (n. s.) 120; 21 J. P. (n.) 788; 22 J. J. P. 385; Reg. v. St. James Westminster, 33 L. T. 180, *ibid.* 346; 5 Jur. (n. s.) 1289, 29 L. J. (n. s.) M. C. 4 E. & E. 861.

Liability of a Guardian to be individually surcharged with Illegal Expenditure.

See Attorney-General v. Compton, 1 Yo. & Coll. Ch. Ca. 418; 2 Lumley Poor Law, Ca. 18.

Expenditure incurred by Overseers in defending a personal Action against themselves.

See Attorney-General v. Pearson, 2 Coll. 581; 10 Jur. 651.

Audit of Accounts.

Reg. v. Saunders, 3 E. & B. 778.

Per Crompton, J. With reference to county rate expenditure:—
 “Items which ought to have been borne by the ratepayers of one year might be thrown upon the ratepayers of another. That is a sufficient ground for making this rule absolute.” “Passing accounts is a judicial act; those who do so ought to examine and allow or disallow according to law.”

*Non-Liability of Overseer for acts of Co-Overseer.*Reg. v. Jeffery & Blanchard, 23 J. P. 277. See also *Rex v. Essex JJ.*
3 B. & Ad. 941.

An overseer is not liable for the default of his co-overseer; the court therefore quashed a surcharge made by an auditor on account of such a default, and directed that the costs of the appellants should be paid out of the parish funds.

An Auditor cannot Reopen an Account which has been closed and audited.

Reg. v. Chiddingstone, 6 L. T. (n. s.) 44; 31 L. J. (n. s.) M. C. 121; 26 J. P. 246; 2 B. & S. 294.

A lunatic pauper was sent by the parish of C. to a lunatic asylum in 1854, and her maintenance was charged to the parish of C. for six years, when C. discovered she had been irremovable since 1854, and so ought to have been charged to the union fund. The parish at the next audit claimed to have the accumulated charge for five years then standing in the union ledger against the parish disallowed:—*held*, the auditor was right in refusing to reopen the account, for he had no power to open up accounts previously audited.

Altering the Balance of an Account by an Auditor.—Charge of Loss by Embezzlement.

Reg. v. City of London Union, 26 J. P. 295.

The guardians applied part of the funds in their possession belonging to all the parishes in the union to restore money belonging to certain parishes in the union which had been embezzled by one of their officers, and then debited the whole of the parishes in the union with the loss under the head of “common charges.” This proceeding the auditor did not allow, and it was *held*, that he was right in disallowing the charge of the loss to the common fund; for if he had allowed it to be so charged, the effect would have been that the loss which originally fell upon a few parishes only would have been thrown upon the whole of the parishes in the union. *Semble*, where a poor law auditor disallows an item in the accounts, and directs it to be expunged, he is not

bound to alter the balance with his own hand; nor is he bound to state what is to be done with, or who else is to be debited with the disallowed item.

Mandamus to Justices to enforce Auditor's Certificate of Disallowance or Surcharge.

Reg. v. Finnis, 33 L. T. 146; 5 Jur. (n. s.) 971; E. & E. 935; 28 L. J. (n. s.) M. C. 201. See also Reg. v. Brecknock JJ., 7 E. & B. 951; 29 L. T. 126; 21 J. P. 356; Reg. v. Linford, 7 E. & B. 950; 21 J. P. 435; Reg. v. Denbighshire JJ., 33 L. T. 145.

At an audit of the accounts of a poor law union, the auditor disallowed a sum of money charged by the guardians for certain expenses, and surcharged three of the guardians who had authorized payment of the money. Those guardians refused to pay, but did not appeal against the disallowance. The auditor summoned them before a justice, and proved so much as is required by Section 9 of 11 & 12 Vict. c. 91. The justice dismissed the summons; and thereupon the court made a rule absolute to compel him to issue a distress warrant against the goods of the three guardians.

7 & 8 VICT. c. 101, s. 33.

Legal significance of the words "at least" in a Statute.

Reg. v. Shropshire JJ., 8 A. & E. 173, S. C. 1 Lumley P. L. Ca. 296.

The time must be reckoned excluding both the day of the act, and that of the event.

7 & 8 VICT. c. 101, s. 35.

Certiorari—Signature of Notice by Attorney.

Reg. v. Chiddingstone, 7 Jur. (n. s.) 125; 25 J. P. 118.

In moving by certiorari an allowance of accounts by a poor law auditor, a notice signed by the attorney on behalf of the inhabitants of the parish is sufficient, and it need not be stated to be on behalf of the overseers.

Recognizance.

See Reg. v. Boughly, 4 T. R. 281; Reg. v. Dunn, 8 T. R. 217.

Application to the Court of Queen's Bench for Certiorari.

See Reg. v. Great Western Railway Company, 18 L. J. (n. s.) M. C. 145; Reg. v. Street, 22 L. J. (n. s.) M. C. 29; 18 Q. B. 682; 16 Jur. 1085; Reg. v. Parker, 21 J. P. 390; Reg. v. Allday, 3 Jur. (n. s.) 961; Reg. v. West Ward, 26 L. J. (n. s.) M. C. 29.

7 & 8 VICT. c. 101, s. 36.

Order of Poor Law Board.

Reg. v. Green, 21 L. J. (n. s.) M. C. 137.

Until an order of the poor law board is set aside on certiorari,

it is to be obeyed under 4 & 5 Will. 4, c. 76, s. 105, and the auditor is bound by it as regards the particular case to which it has reference.

What constitutes an Appeal to the Poor Law Board.

Reg. v. Denbighshire JJ., 33 L. T. 145.

The court refused to make absolute a rule calling upon justices to show cause why they should not issue their warrant for a sum of money placed to the debit of the overseers in their accounts, and certified as correct by the auditor, in a case in which there was an appeal pending before the poor law board.

7 & 8 VICT. c. 101, s. 39.

Taxation of Bills of Costs.

In re Barber, 14 M. & W. 720.

The ratepayers not being persons liable to pay within the meaning of the 6 & 7 Vict. c. 73, s. 38 (Attorney and Solicitors' Act), cannot apply for a reference of an attorney's bill to taxation.

Smith v. Dimes, 4 Exch. Rep. 32.

Under the 7 & 8 Vict. c. 101, s. 39, an attorney's bill for agency business is taxable.

Law Costs—Right of Solicitor to recover Bill of Costs before termination of Suit.

See Hawkes v. Cottrell, 3 H. & N. 243.

What Costs are allowable when Solicitor is paid by Salary.

See Attorney-General v. Shillibeer, 4 Exch. Rep. 606. See also in re Barber, 14 M. & W. 726, 727.

Finality of Auditor's Decision with respect to an Untaxed Bill.

Reg. v. Hunt, 6 E. & B. 408; 2 Jur. 1138 S. C. nom. Reg. v. Napton, 20 J. P. 581; 25 L. J. (n. s.) Q. B. 296.

The right to apply for a writ of certiorari, under 7 & 8 Vict. c. 101, s. 35, to remove the allowance or disallowance by a poor law auditor of an attorney's bill, is, by operation of Section 39 of that Act, confined to cases in which the bill has been taxed by the clerk of the peace of the county before it is presented to the auditor; and if not so taxed, the decision of the auditor on the reasonableness, as well as the legality, of the charges in the bill cannot be questioned.

7 & 8 VICT. c. 101, s. 42.

Meaning of "net annual value."

Baker v. Marsh, 4 E. & B. 145.

Where the gross estimated value at which a councillor of a borough was rated was £15, and the rateable value £1 5s.; it was *held* that he was not rated upon the annual value of £15 within the meaning of 5 & 6 Will. 4, c. 76, s. 28.

7 & 8 VICT. c. 101, s. 44.

Contract for Erection of School Buildings.

Armstrong v. Bowdidge, 16 C. B. 358.

A contract made by the directors and guardians of the poor of the parish of Brighton in relation to the building of an Industrial School, was held not to be a contract for "a thing to be done in pursuance of the local Act," and therefore was not required by that Act to be in writing.

7 & 8 VICT. c. 101, s. 56.

How as regards Illegitimate Children born in Workhouse.

St. Clement Danes app., St. Giles-in-the-Fields resp., 26 J. P. 741; 7 L. T. (n. s.) 324; 32 L. J. (n. s.) M. C. 25; 3 B. & S. 143.

Under the circumstances of that case it was *held* that the mother when admitted into the union workhouse was chargeable to the parish, from which she went to the workhouse, within the meaning of the 7 & 8 Vict. c. 101, s. 56; and the child born in the workhouse was therefore to be considered as born and settled in that parish, by virtue of that section; and the mother, being absent, the child could be removed alone, although within the age of nurture. *Seemle*, that the child was to be taken as born in that parish by virtue also of the 54 Geo. 3, c. 170, s. 3.

7 & 8 VICT. c. 101, s. 61.

Appointment of Assistant Overseer.

See *Pointz v. Attwood*, *ante*, p. 48.

Custody of Rate Books.

Reg. v. Christchurch in re Baynton (in error from the Queen's Bench), 29 L. T. 328; 3 Jur. (n. s.) 1074; 7 E. & B. 409.

It was *held*, affirming the judgment of that court, that the collector was entitled to have the temporary possession of the rate books, for the purpose of collecting the poor rates, as against the overseers.

Appointment of Assistant Overseer.

Reg. v. Green, 17 Q. B. 793; 21 L. J. (n. s.) M. C. 137.

The power of the vestry to appoint an assistant-overseer under 7 & 8 Vict. c. 101, s. 61, is confined to the collectors acting as such at the time of the passing of the Act, *i.e.*, 9th August, 1844.

Embezzlement by Assistant Overseer.

Reg. v. Guelder, 30 L. J. (n. s.) M. C. 34.

Where an assistant overseer received certain sums from the poor rates and duly entered them as received, but instead of paying them into the bankers, as he told the overseers he had done, he fraudulently appropriated the money to his own use, and obtained from the overseers receipts on the faith of his statement, in order to deceive the poor law auditor, it was *held* that he was guilty of embezzlement, notwithstanding that he had charged himself in his book with the receipt of the money.

Bond—Surety—Change in Office.

Portsea Island v. Whillier, 2 L. T. (n. s.) 211; 29 L. J. (n. s.) Q. B. 156;
6 Jur. (n. s.) 887; 24 J. P. (n.) 292, 678.

The poor law commissioners had ordered the guardians of a union to appoint one or more collectors of poor rates, and three were appointed, each to a district. Four were subsequently appointed. One of the four having resigned, it was resolved, and an advertisement was issued, that two persons would be appointed "collectors for the parish of P., to one of whom would be assigned the collection of small tenements rates." P. offered to be "one of the collectors," and was appointed, and the bond of W., his surety, was conditioned that P. would, whether the district was changed or not, act as such collector and obey the orders of the guardians, &c. P. at first collected the small tenement rates, but afterwards was removed to another district, no new bond being executed:—*held*, that he was appointed a collector generally for the parish, and therefore there was no change in the office to which he was appointed, and the surety continued liable after P.'s removal to the district.

Alteration of Duties of Officer—Increase of Risk of Sureties.

Badger v. Finch, 29 L. T. 88.

The condition of a bond, after reciting that "A. had been appointed a collector of the property, income, and assessed taxes, which had been or thereafter should be charged or assessed within the parish of D. under and by virtue of the several Acts relating to the said duties," provided in the usual terms that the bond should be void if A. should not properly discharge the duties of his office. By a subsequent Act, the income tax was raised 2*d.* in the

pound :—*held*, that this alteration in the law increased the risk of the sureties and avoided the bond.

Liability of Surety—Treasurer of Guardians—Country Bank Notes.

See *Lichfield v. Greene*, 26 L. J. (n. s.) Exch. 140; 1 H. & N. 884; 3 Jur. (n. s.) 244. See *ante*, p. 59.

Change of Salary of Officer—Liability of Surety.

North Western Railway Company v. Whinray, 23 L. J. (n. s.) Exch. 261.

On an action against a surety to a bond of fidelity, it was *held* that the agreement between him and the company was that he would be liable as surety as long as L. continued coal agent at the specified fixed salary, and therefore that the change in the mode of remuneration relieved him from responsibility.

Liability of Surety—Change of Tenure of office.

See *Oswald v. Berwick-upon-Tweed*, 23 L. J. (n. s.) Q. B. 321.

Negligence or Laches of Guardians, &c.

See *Gordon v. Calvert*, 4 Russ. 581; *McTaggart v. Watson*, 3 C. & F. 525; 10 Bli. (n. s.) 618.

7 & 8 VICT. c. 101, s. 62.

Collection of Poor Rates—Remedy for Poundage—Liability of Guardians—Appointment not a Contract.

Smart v. West Ham, 25 L. J. (n. s.) Exch. 210; 11 Exch. Rep. 867.

A collector of poor rates appointed by the guardians pursuant to an order of the poor law board, directing the collector to be paid a poundage on the sums collected by him, cannot, if he be not paid, maintain an action against the guardians as having contracted to pay him his poundage.

7 & 8 VICT. c. 101, s. 65.

Appointment of an Auditor for a Parish under a Local Act.

See *Reg. v. St. Pancras*, 21 J. P. 277; 22 J. P. 385; 27 L. J. (n. s.) M. C. 281; 5 Jur. (n. s.) 120; and also *Reg. v. St. James Westminster*, 33 L. T. 180, *ibid.* 346; 5 Jur. (n. s.) 1289; 29 L. J. (n. s.) M. C. 4 E & E. 861.

As bearing on the powers of an auditor of a poor law district in the metropolis, the following opinion, understood to have been given by Sir Richard Bethell (now Lord Chancellor) and Mr. Sergeant Petersdorff, may be here inserted :—

“We are of opinion that the proviso in the 197th section of the Metropolis Local Management Act (18 and 19 Vict. c. 120) not only continues unimpaired the powers of the poor law board, under the 46th section 4 & 5 Will. 4, c. 76, to direct the appointment and define the duties of auditors of the funds for the relief

of the poor, but preserves undiminished the power and authorities of those officers when appointed. We think, therefore, the auditors elected under the 195th section of 18 and 19 Vict. c. 20, have no claim to supersede the poor law auditor, or to require the accounts of the directors and guardians to be submitted to their inspection and audit. The cases of the *Queen v. Stockton*, 27 L. & M. c. 281; the *Queen v. St. James' Westminster*, 28 L. & M. c. 172, affirmed in the Exchequer Chamber 29 L. & M. c. 10, fully explain and establish the correctness of the view we have expressed. The Court of Error in giving judgment said, 'We see no reason to doubt that the poor law commissioners had the power originally to direct the appointment of an auditor of this parish (a parish exceeding 20,000 inhabitants).' Nothing in the subsequent Act has in our opinion, taken away that power.

(Signed)

"RICHARD BETHELL.
"C. PETERSDORFF."

7 & 8 VICT. c. 101, s. 68.

Proceedings on behalf of Guardians at Quarter Sessions.

Reg. v. Buchanan, 8 Q. B. 883.

An unqualified person so acting as an attorney may be indicted under the substantive prohibitory clause in Section 2 of 6 & 7 Vict. c. 73, for a misdemeanor; and Sections 35 and 36 of that Act do not limit the punishment for the offence to the particular incapacity and punishment there specified.

7 & 8 VICT. c. 101, s. 70.

How pending an Appeal against an Order of Removal, and the Witness is unable to Travel.

Ex parte Kimbolton, 5 L. T. (n. s.) 347.

Where there are proceedings pending at sessions on a removal order, and a material witness is unable to travel, but in a fit state to be examined, the court has no power to make an order for his examination to be taken for the purpose of being used in such proceedings.

7 & 8 VICT. c. 101, s. 73.

Charitable use—Mortmain Act.

See Burnaby v. Bardsley, ante, p. 48.

8 & 9 VICT. c. 117, s. 2.

Removal of Wife and Children with Husband.

Rex v. Leeds, 4 B. & Ald. 498.

A wife and children having settlements in England must be removed with husband and father who has none.

English-born Children.

Reg. v. All Saints, Derby, 19 L. J. (n. s.) M. C. 14; 3 N. S. C. 653; 14 Q. B. 219.

Children born in England of Irish parents, who have not gained a settlement in England, may, when deserted by the father after the death of the mother, be removed to the place of their birth settlement; but under the 8 & 9 Vict. c. 117, s. 2, a valid order for the removal of such children to Ireland can only be made where at the time of the order they form part of the father's family, and as such can be removed with him.

9 & 10 VICT. c. 66, s. 1.

Animus revertendi.

Reg. v. Stapleton, 22 L. J. (n. s.) M. C. 102.

It must be a present and not a mere distant intention of returning. If a man goes away from his residence, intending after a temporary object is served to return thence, his absence is but temporary. But if he has what may be called a residence elsewhere, and does not intend to go back unless events over which he has no control occur, that is a permanent absence and operates to break the former residence.

Animus revertendi—Husband Abroad.

Reg. v. Manchester, 17 Q. B. 46.

A pauper had lived five years in a parish, not that of her settlement, when she became chargeable, and an order was made for her removal. At the commencement of the five years her husband resided with her in the parish; but he left her during the five years and went to live in America, without *animus revertendi*. During the five years, and before the order of removal, he died:—*held*, that the pauper was not irremovable under 9 & 10 Vict. c. 66, s. 1; or 11 & 12 Vict. c. 111, s. 1.

Residence.

Naef v. Mutter, 9 Jur. (n. s.) 384.

With reference to the Common Law Procedure Act, 1852, it has been *held*, that a person holding himself out on a card, published by himself, as carrying on business at 38, Watling Street, is *prima facie* evidence that he is resident there. See also *Kerr v. Haynes*, 6 Jur. (n. s.) 169[†]; 29 L. J. (n. s.) Q. B. 70; 2 L. T. (n. s.) 11; 24 J. P. 182, as to place of business and sea-side house where family reside, with reference to the county court jurisdiction.

Blackwell v. England, 27 L. J. (n. s.) Q. B. 126; *Rex v. North Currey*, 4 B. & C. 953.

“Residence” denotes the place where an individual eats, drinks,

and sleeps, or where his family or his servants eat, drink, and sleep.

Per Coleridge, J.: "Under the Poor Law Acts 'residence' means where the pauper sleeps." *Per* Erle, J.: "It is as old as Lord Coke's time that a person was a resident for the purposes of being rated, although he had never been upon the land. If the matter were worth inquiring into, it would be found that a technical meaning was first given to the word when the freeholders of a tithing were responsible for the conduct of all persons residing within it. It was therefore necessary to ascertain whether a person within it was a guest or a commonant. So is the origin of fixing a district with the maintenance of paupers. The question was whether the pauper came there with the intention of becoming a resiant, or merely with the intention of proceeding on. If they did not look after him he became a resiant; and hence 'residence' came to mean the place where he slept. This is the narrow construction for the purposes of the poor law."

Plurality of Residences.

Walcot v. Botfield, 1 Kay 534; 18 Jur. 570.

A person may be said to have more than one residence. If he have houses at different places, at each of which he keeps an establishment, each may be called his residence, though he may not go there for years.

Break of Residence.

Wellington v. Whitchurch, 8 L. T. (n. s.) 456; 27 J. P. 644.

An absence for a mere temporary purpose, with an intention to return at a remote period after a permanent absence is not sufficient to prevent the absence from operating as a break in the residence. *Per* Crompton, J., in *Reg. v. Stapleton*, 1 E. & B. 766: 22 L. J. (n. s.) M. C. 102: "An absence for a merely temporary purpose, with an intention to return would be no break of residence; but an intention to return at a remote period, after a permanent absence, is not sufficient to prevent the absence from being a break."

In re Wright, 1 L. T. (n. s.) 47.

Under the Bankruptcy Laws it has been held that a periodical absence for business purposes constitutes no break of residence. See also *Nias v. Davis*, 4 M. G. & S. 444, on the point, what is a residence, the bankrupt being a prisoner in a county distant from the place where his wife and family resided.

Imprisonment in England under a Sentence of Penal Servitude.

Reg. v. Potterhanworth, 1 E. & E. 262; 28 L. J. (n. s.) M. C. 56; 4 Jur. (n. s.) 1277; 32 L. T. 158; 22 J. P. (n.) 799; 23 J. P. 564.

Such is an imprisonment within the proviso in 9 & 10 Vict. c. 66, s. 1, and is not a break in a five years' residence. Therefore, where

a man, having resided with his wife and children for more than five years in a parish, is sentenced to six years' penal servitude, the wife and children continuing to reside in the same parish, are irremovable whilst the husband and father remains in prison in England undergoing his sentence.

Orphan Child.

Reg. v. Elvet, 33 L. T. 202; 23 J. P. 807; 5 Jur. (n. s.) 1350; 29 L. J. (n. s.) M. C. 17.

In January 1844, a child was born in the township of E., the father having resided there more than five years; the family continued to reside there, and in July 1847, the mother becoming chargeable as a lunatic, an order was made adjudging her settlement to be in S. She remained in an asylum chargeable to S. for some years, and was afterwards removed to S., where she was maintained by that parish till her death. The child and father continued to reside in E., where he died in December 1857, and the child remaining there became chargeable in February 1858. In October 1858, the mother died, and in December 1858, an order was made for the removal of the child to S. Under this state of circumstances, it was *held*, that the child was irremovable.

Residence as Wife and then as Widow.

Reg. v. Cudham, 32 L. T. 253; 5 Jur. (n. s.) 269; 28 L. J. (n. s.) M. C. 105.

Under 9 & 10 Vict. c. 66, s. 1, and 11 & 12 Vict. c. 111, s. 1, a widow, whose husband was irremovable at the time of his death, does not continue irremovable if she has not herself resided the five years.

Emancipation—Minor serving in Police Force.

See *Selborne v. Bethnal Green*, *ante*, p. 24.

Unemancipated Son in Lunatic Asylum—Father afterwards breaking his Residence.

See Reg. v. St. Giles in the Fields, *post*, p. 113.

Maintenance in Asylum of Unemancipated Lunatic Child not Relief to Parent—Period of Residence not to be deducted.

Reg. v. St. Mary, Islington, 3 B. & S. 46; 26 J. P. 661; 6 L. T. (n. s.) 606; 9 Jur. (n. s.) 155.

Where a pauper lunatic above the age of sixteen is confined in a lunatic asylum, that is not relief to the parent so as to reduce the period of the parents' residence and render him or her removable.

Maintenance of Lunatic Wife in Lunatic Asylum is Relief to Husband.

Reg. v. St. George, Bloomsbury, 32 L. J. (n. s.) M. C. 217; 27 J. P. 662.

Where a woman has been removed to a lunatic asylum at the instance of her husband, and is maintained there at the cost of the

parish of settlement, that is relief to the husband within 9 & 10 Vict. c. 66, s. 1; and the period of the wife's confinement in the asylum must be excluded in computing the time the husband has resided in a parish.

Pauper Lunatic born in Ireland—Irremovability.

Reg. v. Arnold, 18 Q. B. 553; 21 L. J. (n. s.) M. C. 180; but see 24 & 25 Vict. c. 55, s. 6.

The 12 & 13 Vict. c. 103, s. 5, extends to the maintenance of a pauper lunatic born in Ireland who has acquired no settlement in England, but has become irremovable by reason of five years' residence in a parish in a union in England; and in such a case the burthen of maintaining the lunatic in an asylum is cast upon the common fund of the union. But now see 24 and 25 Vict. c. 55, s. 6.

Husband Abroad—Disruption of Residence.

Reg. v. Llanelly, 17 Q. B. 40; 15 Jur. 10.

A married pauper and her children were removed by an order of justices from the parish where she resided as a married woman for ten years continuously. Two years before the order of removal her husband had left her and gone to America. She had received letters from him since his departure, and was daily expecting at the time of the hearing of the appeal to receive a letter from him containing money to enable her and her children to join him. The sessions having quashed the order and stated the above facts in a case for the Court of Queen's Bench, it was *held*, that there was a disruption of the husband's residence, and that such disruption rendered the wife and children removable, notwithstanding their unbroken personal residence in the respondent parish.

Mandamus to Justices to grant Order of Removal.

Reg. v. Blanshard, 18 L. J. (n. s.) M. C. 110.

It will not lie in a case where the justices had entered upon the inquiry, and had decided, though erroneously, that the pauper was irremovable under 9 & 10 Vict. c. 66.

Break of Residence—Removal from Place formerly Extra-Parochial.

Reg. v. St. Sepulchre, Northampton, 33 L. T. 120; 5 Jur. (n. s.) 867; 28 L. J. (n. s.) M. C. 187; E. & E. 813. See also *Mytton v. Thornbury*, *post*, p. 124.

A residence of five years in an extra-parochial place, part of which residence was before 20 Vict. c. 19 came into operation, does not confer the status of irremovability; that Act having no retrospective operation.

Chargeability—Pauper with unknown Settlement.

Ex parte the Guardians of the Bedminster Union, 21 J. P. 806; S. C. nom. Reg. v. Seagram, 6 W. R. 74; 4 Jur. (n. s.) 301.

The 3rd section of the 11 & 12 Vict. c. 110, applies to the case

of a person originally a wanderer into a parish where he has resided many years, and who is not known to have any settlement. The case of *Reg. v. Bennett*, 3 E. & B. 341, 23 L. J. (n. s.) M. C. 39, is not of general application whenever the place of settlement is unknown, but is to be considered as dependent on the particular facts of it.

*Mother losing Status of Irremovability derived from Husband—
Unemancipated Child.*

Reg. v. St. Mary Arches, Exeter, 5 L. T. (n. s.) 637; 31 L. J. (n. s.) M. C. 77; 8 Jur. (n. s.) 457; 1 B. & S. 890; 26 J. P. (n.) 67, 356.

A pauper aged thirty had always lived with her father and mother, being unable to take care of herself. The father had lived in parish M. more than five years when he died in 1856. The pauper then lived with the mother till 1858, when the pauper went into the workhouse, and while in the workhouse the mother, who had acquired no settlement in her own right, went to reside in parish C. In 1860, the pauper was sent from the workhouse to the county lunatic asylum:—*held*, that the pauper's status of irremovability followed the mother's, and as at the date lunatic was sent to the asylum, the mother by breaking her residence was removable, so was the lunatic, and therefore the parish of the father's settlement was chargeable with the maintenance.

Desertion—Removal of Wife to Maiden Settlement.

Reg. v. St. Marylebone, 20 L. J. (n. s.) M. C. 61; 16 Q. B. 352.

A married woman whose husband was a Scotchman had, during the absence of her husband, who had sailed on a voyage to Calcutta, without leaving sufficient means of support for his family, become chargeable to the parish in which she was residing. She had acquired a maiden settlement in England:—*held* that this was such an absence on the part of the husband, as amounted to a desertion of his wife, and that she might therefore be removed to the place of her maiden settlement.

The case of *Reg. v. St. Marylebone* did not turn upon the 9 & 10 Vict. c. 66, but upon the general principle in the law of settlement, which prevents a wife from being separated from her husband when he is living and consorting with her. The husband, in that case, was not living with his wife when the order of removal was made, and no question arose as to the operation of the 9 & 10 Vict. c. 66, inasmuch as the wife had not resided five years in the parish. In the case of *Reg. v. East Stonehouse*, 24 L. J. (n. s.) M. C. 121, which turned upon the 9 & 10 Vict. c. 66, the court *held* that a sailor on a voyage is residing with his wife within the meaning of that statute.

United Parishes—Residence in.

Idle v. Holy Trinity, Exeter, 4 N. S. C. 438; see also *Reg. v. Fornecett, St. Mary Norwich*, 18 L. J. (n. s.) M. C. 125; 12 Q. B. 160; 3 N. S. C. 477.

Residence in a city and county of a city consisting of several parishes incorporated under a local Act for the maintenance of the poor out of a common fund, is a parish within the meaning of 9 & 10 Vict. c. 66, s. 1, as explained by the interpretation clause of 4 & 5 Will. 4, c. 76, s. 109, although the churchwardens and overseers of the respective parishes may exercise the ordinary functions of overseers with respect to orders of removal and appeals therefrom. A pauper who for five years next, before the application for a warrant of removal has resided within such city, is therefore irremovable under 9 & 10 Vict. c. 66, s. 1.

Effect of Fraudulent Removal from Parish—No Break of Residence.

Reg. v. St. Marylebone, 4 N. S. C. 444; 20 L. J. (n. s.) M. C. 173.

The departure of a pauper from a parish procured by parish officers with intent to cause him to become chargeable to another parish, in violation of 9 & 10 Vict. c. 66, s. 6, will not operate as a break of his residence in the parish from which he so departs, so as to interfere with his irremovability under the first section of the Act. In such a case the illegal intent must be expressly found by the sessions, as the court will not infer it from the evidence stated in the case.

Occasional Absence from Parish.

Rex v. St. Michael, Coventry, 5 T. R. 526, and 2 Bott. 612.

This case has reference to the effect of an occasional absence of a certificated person from his parish.

Residence in a Workhouse—Break of, in Union.

Although a pauper whilst actually abiding in a workhouse may be said to be residing there, he has no home there to which he can claim to return when he once leaves it. In such a case he cannot re-enter the workhouse without the permission of a competent authority, and therefore his return to the workhouse does not depend solely upon his own will—applying this view to the case of a pauper who discharges himself from the workhouse and goes to a distance for a short time to another union, he would thereby break his residence in the union in which his chargeability arose, and to the workhouse of which he was sent.

9 & 10 VICT. c. 66, s. 2.

Widow—Break of Residence.

Reg. v. St. Marylebone, 4 N. S. C. 444; 20 L. J. (n. s.) M. C. 173.

Semble, the irremovability of a widow under s. 2 of 9 & 10 Vict.

c. 66, is lost by a break of residence within the year of her widowhood.

Separating Child from Mother.

Reg. v. Aughton, 25 J. P., 711; 4 L. T. (n. s.) 244.

A widow whose parish of settlement was Aughton, but who was irremovable from Leeds by a five years' residence, had three children, and being unable to maintain them, the Leeds Board of Guardians made an order for the admission of such three children into the workhouse. A few weeks afterwards, the overseers of Leeds obtained an order for the removal of the children to Aughton. The object of the board of guardians in sending them to the workhouse was their removal to their place of settlement. They were sent there with the consent of their mother, but she was not informed that the result of separating her children from her would be their removal to Aughton. Each of the children at the time of their removal was under seven years of age:—*held*, that under the circumstances the separation of the children from their mother was a fraud upon her, and that the order of removal was bad; also that as the children were within the age of nurture, the mother could not consent to their separation from her.

9 & 10 VICT. c. 66, s. 3.

Age of Nurture.

In re Alice Race, 3 Jur. (n. s.) 336.

With regard to the maintenance of the poor, a rule has been introduced, that while a child is under seven years of age it shall not be separated from the mother for the purpose of being maintained by the parish in which it is settled. Under seven is called the "age of nurture;" but this is the peculiar nurture required by a child from its mother, and is entirely different from guardianship for nurture, which belongs to the father in his lifetime, even from the birth of the child.—*Per* Lord Campbell, C. J. But see *Reg. v. Coombes*, 25 L. J. (n. s.) M. C. 59.

Step-children.

Lord Campbell, C. J., in *Reg. v. St. Ann, Blackfriars*, 22 L. J. (n. s.) M. C. 138, said that s. 3 of 9 & 10 Vict. c. 66, only extends to certain cases where the children would not follow the settlement of the head of the family, as step-children and others; but that it does not limit the operation of the provision in s. 1.

Permanent Sickness—Appeal Disputing Same.

Reg. v. St. Mary and St. Andrew, Whittlesey, 32 L. J. (n. s.) M. C. 78; 9 Jur. (n. s.) 820; 7 L. T. (n. s.) 676; 27 J. P. 70; 3 B. & S. 432.

Where a party becomes chargeable in respect of relief made necessary by reason of sickness or accident, and an order of removal is accordingly made which states that the justices are satis-

fied that the sickness or accident will produce permanent disability, it is not competent to the appellants to dispute the fact of such sickness or accident being of a permanent character; and the quarter sessions have no authority to entertain a ground of appeal setting up such objection to the order of removal.

Sickness of Husband who is not Removed.

Reg. v. St. George's Middlesex, 8 Jur. (n. s.) 714; 2 B & S. 317; 31 L. J. (n. s.) M. C. 85; 26 J. P. 151; 5 L. T. (n. s.) 791.

Section 4 of 9 & 10 Vict. c. 66, applies to personal sickness, and gives personal exemption to sick persons only. Therefore, where a man, in consequence of sickness, left his wife and children in the respondent parish, and went into a hospital in another, and his wife and children became chargeable to the respondent parish, it was held that an order for their removal to the parish of his settlement need not state that the justices were satisfied that the sickness would not produce permanent disability.

Lunacy a Sickness.

Reg. v. Manchester, 26 L. J. (n. s.) M. C. 1; 6 E. & B. 919.

Quere, whether lunacy is included in the term "sickness," so as to throw on the common fund of the union, under 16 & 17 Vict. c. 97, s. 102, the expense of a pauper lunatic removed to an asylum who ultimately proved to be curable. But see *Hunslet v. Dewsbury*, 26 L. J. (n. s.) M. C. 3; 2 Jur. (n. s.) 1207, in which Lord Campbell, C. J., said that the Court in *Reg. v. Manchester* decided that lunacy was not a sickness within the meaning of 9 & 10 Vict. c. 66, s. 4. But now see 24 & 25 Vict. c. 55, s. 6.

Pregnancy is not a Sickness.

Reg. v. Huddersfield, 21 J. P. 357; 22 J. P. 160; 29 L. T. 179; 26 L. J. (n. s.) M. C. 169; 3 Jur. (n. s.) 718; 7 E. & B. 794.

Pregnancy of itself is not a sickness within the meaning of the 9 & 10 Vict. c. 66, s. 4. When, therefore, the sessions had on appeal quashed an order for the removal of a pauper, an able-bodied woman, who had only become chargeable to and received relief from the removing parish by reason of her pregnancy, and her having in consequence been dismissed from a situation which she had, the court quashed the order of sessions, and confirmed the order of removal.

9 & 10 VICT. c. 66, s. 6.

Relieving Officer—Causing Pauper to depart from Parish.

Shee v. Dannatt, 26 J. P. 359.

A relieving officer of W. union, gave B., who was resident in that union, an order to go into the union workhouse; but as B.

did not go, but went to live with his daughter out of the union, S. obtained the order back, and afterwards B. became ill and applied to the C. union for relief:—*held*, this was no reasonable evidence of S. committing an offence under 9 & 10 Vict. c. 66, s. 6, by causing B. to become chargeable to the C. union.

9 & 10 VICT. c. 66, s. 7.

How if the Workhouse Master refuse to receive the Pauper.

See *ex parte* the Overseers of Downton, 27 L. J. (n. s.) M. C. 281, *ante*, p. 24, which shows that he would be liable to be indicted.

10 & 11 VICT. c. 109, s. 20.

Powers of Poor Law Inspectors to visit Workhouse under Local Act—Meaning of word “Inspect.”

Reg. v. St. Pancras, 22 J. P. (n.) 384. See also *Reg. v. St. Marylebone*, 6 Jur. (n. s.) 1094.

11 & 12 VICT. c. 31, s. 3.

Appeal—Time for entertaining Application for Depositions—Time for moving for Mandamus to enter Continuances.

Reg. v. Richmond, 31 L. T. 115; 4 Jur. (n. s.) 456; 27 L. J. (n. s.) M. C. 197; 31 L. T. 115; 22 J. P. (n.) 321, 674.

An application for a *mandamus* to sessions to enter continuances and hear an appeal must be made during the term next after the sessions at which the appeal came on for hearing, and not afterwards.—Notice of chargeability and statement of grounds of removal were sent by post on the 28th of September, and received in due course of post on the 29th. The appellants applied for a copy of depositions by post on the 19th of October; the application was received in due course of post by the respondents on the 20th; the appellants received a copy on the 21st, and gave notice of appeal on the 28th:—*held*, that the day of actually receiving the notice and statement according to the course of the post was the day when, within the meaning of the 11 & 12 Vict. c. 31, s. 9, they were sent, that the application for a copy was therefore made within twenty-one days, and that consequently the notice of appeal was in time.

11 & 12 VICT. c. 31, s. 4.

Grounds of Removal—Amendment.

Llangeny v. Merthyr Tydvil, 27 J. P. 452; 8 L. T. (n. s.) 696; S. C. nom.
Reg. v. Llangenny, 32 L. T. (n. s.) M. C. 265.

Where the grounds of removal did not allow evidence to be given of a former order of removal unappealed against, and the court, on application, added a ground expressly setting forth this, it was *held*, that it was competent to the court to make such an amendment under 11 & 12 Vict. c. 31, s. 4.

Amendment of Grounds of Adjudication.

See Reg. v. Manchester, *post*, p. 118.

11 & 12 VICT. c. 31, ss. 4, 7.

Grounds of Removal—Acknowledgment of Settlement.

Reg. v. Ruyton of the Eleven Towns, 7 Jur. (n. s.) 967; 30 L. J. (n. s.)
M. C. 229; 1 B. & S. 534.

Grounds of removal of a pauper stated the settlement to be derived from her great-grandfather through her grandfather and father; and proceeded to state that the settlement of the great-grandfather had been acknowledged by the appellant parish by relief given to his widow, and by an order submitted to for the removal of a grandson. On the trial of the appeal, the respondents tendered in evidence an order of removal to the appellant parish, and submitted to by them, of the wife of another grandson of the great-grandfather, under the same derivative settlement. The sessions admitted the evidence, subject to a case for the opinion of the Court of Queen's Bench, and it was *held*, first, that the decision of the sessions was final, and could not be reviewed by the court, by reason of 11 & 12 Vict. c. 31, ss. 4 and 7. Secondly, that, assuming the decision of the sessions could be reviewed, the evidence was rightly admitted, either as confirming the other specified instances of acknowledgment, or as independent evidence of the settlement relied on.

11 & 12 VICT. c. 31, s. 7.

Order of Sessions—Interested Justice.

Reg. v. Suffolk JJ. 18 Q. B. 416; 21 L. J. (n. s.) M. C. 169.

Upon the trial of a parish appeal, F. S., one of the justices, who was a rated inhabitant of the appellant parish, was on the bench during the hearing, and in the course of the proceedings referred the chairman of the quarter sessions to some of the documents put in evidence. Upon an observation being made that he was a party interested, F. S. stated that he should take no part

in the decision, but he remained in court until the final decision, which was in favour of the appellants. It was sworn that he did not vote or give any opinion upon the question at issue, nor did he influence the decision of the other justices present, and that if he had not believed that the parties were satisfied with his assurance that he would take no part, he would have retired from the court during the trial:—*held*, that under these circumstances the order of sessions was invalid by reason of the presence of the interested justice.

11 & 12 VICT. c. 31, s. 9.

Twenty-one Days—How reckoned.

Reg. v. Richmond, 1 E. B. & E. 253, 4 Jur. (n. s.) 456; 27 L. J. (n. s.) M. C. 197; 31 L. T. 115; 22 J. P. (n.) 321, 674.

The twenty-one days mentioned in 11 & 12 Vict. c. 31, s. 9, are to be reckoned from the day on which the notice reaches the overseer of the parish to which the order of removal is directed. Notices of chargeability, &c., when sent by post, are "sent" within the meaning of 11 & 12 Vict. c. 31, s. 9, on the day they are delivered.

Notice of Appeal—Sending by Post—Day of Service.

Reg. v. Slawstone, 18 Q. B. 388; 21 L. J. (n. s.) M. C. 145.

Notice of appeal, if sent by post under 14 & 15 Vict. c. 105, s. 10, is to be considered as given on the day on which, by the ordinary course of post, it ought to have reached the party to whom it is sent, though in fact it arrive by the post on a later day.

Notice of grounds of Appeal—Entering and Respiting.

Reg. v. Sussex JJ., 3 L. T. (n. s.) 386; 6 Jur. (n. s.) 1150; 30 L. J. (n. s.) M. C. 73; 8 Jur. (n. s.) 885.

Copies of the deposition on which an order of removal was made having been duly applied for and received by the parish affected on the 19th of September, that parish, on the 1st of October, sent notice of appeal to the removing parish. The first day of the next Quarter Sessions was the 16th of October. The appellants had not delivered any grounds of appeal; and it was *held*, that the appellants were entitled to have the appeal entered and respited at those sessions, and were not bound to have delivered grounds of appeal, and to have been prepared to try at the October sessions.

Appeal—Application for Copies of Depositions—To whom to be made.

Reg. v. St. Alkmond, Derby, 32 L. J. (n. s.) M. C. 99; 7 L. T. (n. s.) 622; 27 J. P. 54, 263; 9 Jur. (n. s.) 744; 3 B. & S. 347.

An order of removal from the parish of A. to the parish of B.

was made and duly served with other documents on the 23rd October, 1861. On the 6th November the appellants applied to the respondent overseers for a copy of the depositions, "as (they stated) it is intended to appeal against such order of removal." The respondents took no notice whatever of this application, and on the expiration of twenty-one days they removed the paupers. On the 10th December the appellants gave notice of appeal, and on the 20th they applied to the justices' clerk for copies of the depositions. At the ensuing January sessions the appellants applied to enter and respite their appeal, which was entered and respited accordingly; but upon the order of sessions for such entry and respite being brought up to be quashed, it was *held*, that the appellants had lost their right of appeal by not giving their notice in time; their application on the 6th November for copies of the depositions being made to the wrong parties (*i.e.* to the parish officers instead of to the clerk to the justices), and that such application was not of itself a notice of appeal.

Entering and respiting Appeal—Next Practicable Sessions.

Reg. v. York (W. R.) JJ. 31 L. T. 232; 27 L. J. (n. s.) M. C. 269; 5 Jur. (n. s.) 17 E. B. & F. 713; S. C. nom. in re Bromsgrove and Halifax, 22 J. P. (n.) 417.

If there be not time to go to trial at the next sessions, the appellants must enter and respite at such sessions.

Notice of Appeal—Time for Service of Grounds of Appeal—Laches—Respiting—Next Practicable Sessions.

Reg. v. Sussex JJ., 26 J. P. 403. See also *ante*, p. 98.

On appeal against an order of removal, if the appellant parish has applied for and obtained a copy of the depositions, it has fourteen clear days thereafter to serve the grounds of appeal; and if at the end of such time there is not a period of fourteen more days before the next sessions commence, then whatever other shorter period may suffice by the local practice of sessions for giving notice of appeal, the appellant parish is not bound to try the appeal at such sessions, but is entitled to apply to that sessions to respite the appeal until the following sessions. The time for serving grounds of appeal against a removal order is fourteen days in all cases before the commencement of the Quarter Sessions, whether notice of appeal has then been served or not.

11 & 12 VICT. c. 43, s. 11.

Proceedings for Offence against Vagrant Act—Limitation of Time.

Reeves v. Yeates, 31 L. J. (n. s.) M. C. 241; 8 Jur. (n. s.) 751; 26 J. P. 803.

Where a man runs away from his wife and children and they do not become chargeable until some time after such desertion, the

offence under 5 Geo. 4, c. 83, ss. 3, 4, is not complete until such chargeability arises; and therefore the six months limited by 11 & 12 Vict. c. 43, s. 11, for laying the information is to be reckoned from the latter event.

11 & 12 VICT. c. 43, s. 27.

Sessions—Appeal—Costs—Form of Order—Distress—Replevin—Notice of Action.

Gay v. Matthews, 7 L. T. (n. s.) 504; and see *post*, p. 105.

An order of quarter sessions for payment of costs to the appellant by the respondents directed them to be paid to the clerk of the peace, to be by him paid over to the parties entitled to the same within three weeks after service of the order or a copy thereof upon the appellant: pursuant to 12 & 13 Vict. c. 45, s. 5, and 11 & 12 Vict. c. 43, s. 27, it was *held* (Wightman, J., dubitante), that the order was valid in point of form.

To a declaration for that the defendant on the plaintiff's land took plaintiff's goods and detained them against sureties and pledges, it was pleaded that the goods were taken under a warrant issued by a justice to enforce an order of quarter sessions for payment of costs of an appeal against a poor rate; and it was *held*, that this was an action of replevin, and that no notice of action or demand of perusal of the warrant was necessary.

11 & 12 VICT. c. 43, s. 35.

Order of Removal—Costs—Limitation of time for recovery of.

Hill v. Thorncroft, 30 L. J. (n. s.) M. C. 52.

Section 35 of 11 & 12 Vict. c. 43, does not exempt from the operation of the Act an order (under 4 & 5 Will. 4, c. 76, ss. 84, 99) upon the parish of settlement for the payment of the costs of the maintenance of a pauper incurred between the service of the order of removal and the actual removal; the information for the non-payment must therefore be laid within six months under the general limitation of the 11th section.

Jurisdiction of Justices—Justices for adjoining Counties.

Reg. v. Tiffeld, 22 J. P. (n.) 784.

Warrant—Justices for adjoining Counties acting in and for the other.

In re Middlesex JJ.; 22 J. P. (n.) 305.

11 & 12 VICT. c. 91, s. 1.

Costs of Action in defence of Parish Property.

Field v. Morrison, 7 L. T. (n. s.) 754; 27 J.P. 119.

An action was brought to recover possession of certain premises to which the parish claimed title. A vestry of the parish was held upon the subject and they resolved that the action should be defended by an attorney, who defended it accordingly, and judgment was ultimately given for the plaintiff, but long after the parish officers who were in office at the time of the resolution had gone out of office. Upon an application for a rule calling upon such parish officers to pay the costs, it was held that they were not liable. By the court the churchwardens and overseers could only be liable in their corporate capacity, and if so, being no longer in office they could not be charged.

Costs incurred in Defending an Appeal against Poor Rates of former years.

Ex parte Fletton, 2 L. T. (n. s.) 174.

A poor rate was appealed against, the rate having been made by churchwardens and overseers who had gone out of office. The new officers did not defend the rate, and the sessions quashed it, ordering the respondents to pay full costs. No effort was made to enforce payment of the costs till the day on which those officers quitted office, and they had not paid them previously:—*held*, that those officers could not apply to set aside the order of sessions on the ground that they apprehended the appellants might seek to make them liable individually for the costs:—*held* also that the orders were good.

Cost and Damages in an Action brought against Parish Officers for False Imprisonment.

Attorney-General v. Pearson, 10 Jur. 651.

Parish officers acting under circumstances which the court was of opinion justified them in interfering, placed a person, who was alleged to be a lunatic, and who they had reason to infer was in a state of poverty and destitution, in the parish workhouse, under restraint. The person so placed brought an action for false imprisonment and recovered a verdict, with substantial damages. The costs and damages were charged against the parish, and in open vestry meeting the same had been allowed, and had subsequently been paid out of the poor rate. An information was filed by two of the ratepayers, seeking to charge the parish officers personally with the damages and costs of the action. Under all the circumstances the court (V. C. Knight Bruce) dismissed the information without costs.

Liability of succeeding Overseers for Debts of their Predecessors.

Welby v. Brown, 11 J. P. 602.

An overseer retaining an attorney to conduct parish business at the quarter sessions is not liable personally unless the retainer be specially worded; and he can neither be sued for the costs due in his year of office nor after the year has terminated.

What not a Signed Bill under the Attorneys' and Solicitors' Act.

Ibid.

Where an attorney sent his bill to an ex-overseer, headed "To the parish officers of A.," accompanied by a note requesting payment of his bill against the parish:—*held*, not to be a compliance with the statute requiring delivery of an attorney's bill to the party to be charged therewith.

Liability of Overseers for an Attorney's Bill—Retainer.

Marsh v. Davies, 17 L. J. (n. s.) Exch. 94; 1 Exch. 668.

An order of removal was made, and upon a preliminary objection a rule nisi was afterwards obtained by L. for a mandamus to the justices to enter continuance and hear the appeal. A copy of the rule was served upon the defendants, who at the time and at the commencement of the suit were the churchwardens of C. One of the defendants afterwards signed a retainer to the plaintiff to act as attorney for the parish of C., but subsequently countermanded it. One of the defendants did not interfere. Before the rule was argued, two of the defendants were elected overseers and other two churchwardens. Before the argument on the rule (which was discharged) the plaintiff's clerk saw one of the defendants repeatedly about the rule, and was asked by him how the matter was going on; he also saw another of the defendants repeatedly about it, but he was not so active. The plaintiff's bill of costs being delivered to one of the defendants, they all expressed their readiness to pay, but said there was a grudge in the parish. Upon an action being brought for work and labour by the plaintiff the attorney, it was *held*, that the defendants were not liable.

Liability of Parish Officers and not of their Attorney for Expenses of Witnesses on an Appeal against a Poor Rate.

Lee v. Everest, 2 H. & N. 285.

A poor rate made on a valuation of a parish having been appealed against, the attorney of the overseers thinking it advisable that the valuation should be supported by the evidence of a surveyor, with the authority of the parish officers, wrote to the valuer who made the valuation, to secure the services of another valuer for the purpose. The valuer accordingly communicated with the plaintiff, an architect and surveyor, who, to qualify him-

self for giving evidence, examined the premises in respect of which the appeal was made, and afterwards gave evidence on the appeal as to their value. The plaintiff entered his account in his ledger against the parish officers, and sent in his bill to them, but afterwards sued their attorney for the work thus done. The jury having found for the plaintiff, leave was reserved to the defendant to move to enter the verdict for him; and it was *held*, that the parish officers, and not the defendant their attorney, who was merely their agent, were liable to the plaintiff.

11 & 12 VICT. c. 91, s. 9.

Enforcing Certificate of Auditor.

Reg. v. Finnis, E. & E. 935. See also cases on the same point, *ante*, p. 82.

It is the duty of justices to issue distress warrant if the statutable proof of the surcharge required by 11 & 12 Vict. c. 91, s. 9, be complete.

11 & 12 VICT. c. 110, s. 3.

Chargeability of Lunatic to Common Fund.

See Reg. v. West Ward, *post*, p. 116.

Chargeability of Pauper when not irremovable under 9 & 10 Vict. c. 66.

See *ex parte* Bedminster, S. C. nom. Reg. v. Seagram, and Reg. v. Bennett, *ante*, p. 91 and 92.

11 & 12 VICT. c. 110, s. 8.

Action in County Court in respect of a matter in which the Justices have also Jurisdiction.

See Reg. v. Harden, 2 E. & B. 188; 22 L. J. (n. s.) Q. B. 499; Hertford v. Kimpton, 9 H. & N. 296; 25 L. J. (n. s.) M. C. 41.

11 & 12 VICT. c. 111, s. 1.

Wife living Separate from Irremovable Husband—Order of Maintenance.

East Retford *app.*, Strand *resp.*, 3 B. & S. 122.

A pauper lunatic living by consent apart and in a different parish from her husband, who was irremovable by virtue of 9 & 10 Vict. c. 66, was sent to a lunatic asylum, and an order for her maintenance was made upon the parish of her husband's settlement under 16 & 17 Vict. c. 97, s. 97:—*held*, that the order was rightly so made, as the lunatic was not irremovable by 11 & 12 Vict. c. 111, s. 1.

Irremovability of Child after Death of Father and Mother.

See Reg. v. Elvet, *ante*, p. 89.

*Irremovability of Child of Irish Parents.*See *Reg. v. Newchurch*, *post*, p. 114.

12 VICT. c. 8, s. 1.

*Jurisdiction of Justices to appoint Overseers in Boroughs under 5 & 6 Will. 4, c. 76.*See *Pember v. Evans & Lewes*, 21 J. P. 438.

12 VICT. c. 14, s. 1.

*Costs—to whom to be paid.**Walsh v. Southwick*, 6 Exch. 150; 20 L. J. (n. s.) M. C. 165.

The person applying for a distress warrant is the person to whom the costs of the application are to be paid.

12 VICT. c. 14, s. 2.

*Second Distress when Distrainee prevented the Removal of the Goods under the first Distress—In what cases lawful.*See *Lee v. Cooke*, *ante*, p. 34.

12 VICT. c. 14, s. 3.

*Limitation of time for issuing Warrant of Distress.**Reg. v. Shrewsbury JJ.*, 31 L. T. 114.

The above case has reference to a church rate.

12 & 13 VICT. c. 45, s. 1.

*Appeal—Quarter Sessions—Adjournment.**Reg. v. Cambridge*, 30 L. J. (n. s.) M. C. 137; 1 E. B. & S. 61.

At the hearing of an appeal against an order made by justices adjudicating the settlement of a pauper lunatic and ordering payment for his maintenance, the court have power to adjourn the hearing to the next sessions, and this after the hearing and trial of the appeal has been partly proceeded with. But the power of so adjourning ought to be cautiously and carefully exercised.

12 & 13 VICT. c. 45, s. 3.

*Settlement by Apprenticeship.**Reg. v. Keighley*, 15 L. J. (n. s.) M. C. 102.

The stamp is no part of the indenture, and a statement that it is duly stamped is sufficient.

12 & 13 VICT. c. 45, s. 5.

*Standing Order of Quarter Sessions as to Costs.**Freeman v. Read*, 30 L. J. (n. s.) M. C. 123; 7 Jur. (n. s.) 546.

Section 5 of 12 & 13 Vict. c. 45, includes appeals in which the appellant has entered into recognizances to pay costs. A court of quarter sessions has authority to make a standing order that in all appeals costs shall follow the event, unless the justices who hear the appeal shall order to the contrary. Justices at quarter sessions may direct their officer to tax the costs of an appeal, and may adopt his taxation as their own act, and insert the amount in their order, provided all this be done before the end of the sessions. But if the party against whom costs are given consent that the taxation shall take place after the sessions are over, and the justices give judgment for costs *nunc pro tunc*, the party so consenting is precluded from afterwards objecting to their want of jurisdiction.

Appeal—Order of Costs—Replevin—Payment of Costs to Clerk of the Peace.

Gay v. Matthews, 9 Jur. (n. s.) 716; 8 L. T. (n. s.) 674, 32 L. J. (n. s.) M. C. 58, in Exch. Ch. affirming judgment of Court below; see *ante*, p. 100.

An order of quarter sessions directing the appellant to pay a sum for costs to the clerk of the peace to be by him paid over to the parties entitled to such costs is a valid order under the fifth section of 12 & 13 Vict. c. 45.

Replevin lies in the case of goods taken under a warrant of distress issued by a justice to enforce payment of costs ordered on an appeal against a poor rate under 12 & 13 Vict. c. 45, s. 5, and 11 & 12 Vict. c. 43, s. 27. The 24 Geo. 2, c. 44, s. 6, as to previous demand of the warrant, and 2 & 3 Vict. c. 93, s. 8, and 1 & 2 Will. 4, c. 41, s. 19, as to notice of action, do not apply to such action.

Next Practicable Sessions—Order of Removal.

Reg. v. Skircoat, 28 L. J. (n. s.) M. C. 224.

An order of removal was served on the 13th of September. Notice of appeal was given on the 2nd of October. The next sessions were held on the 18th of October, and at those sessions the appeal was entered and respited, and came on for hearing at the following sessions, on the 4th of January, when the order was quashed. The court would not interfere, as the justices had jurisdiction to adjourn the appeal to the January sessions, and as they had so adjourned it; but held, that in each case the justices should exercise their judgment whether justice required that the appeal should be adjourned, and that if there be time to try at the first sessions, and no reason for the delay be assigned, they ought to refuse to enter and respite.

*Payment of Costs by Informant.**Whittington v. Sheffield*, 24 J. P. 407.

Where upon an appeal the sessions quash the conviction, they may, under 12 & 13 Vict. c. 45, s. 5, make an order upon the informant for payment of the appellant's costs, although such informant is only nominally a party to the appeal.

Appeal under Vagrant Act—Liability for Costs.

Reg. v. Smith, 29 L. J. (n. s.) M. C. 216. See also *Reg. v. Hants JJ.*, 4 B. & Ad. 659.

The statute authorizes the court of quarter sessions, on an appeal against a conviction under the Vagrant Act, 5 Geo. 4, c. 83, to find that the original complainant was the real respondent in the appeal, and to direct him to pay the costs, although by the Vagrant Act notice of appeal is required to be given to the justices alone, and their names were entered as the formal respondents on the appeal.

Wrong Sessions—Costs on Abandonment of Appeal.

Reg. v. Leeds, 30 L. J. (n. s.) M. C. 86; 7 Jur. (n. s.) 210.

A notice of appeal against an order of removal made by justices acting in and for a borough was given, as to the next quarter sessions *for the county*. The day before the borough sessions were held, the appellants gave the respondents notice that, having discovered that the appeal ought to have been to the borough sessions, they abandoned the appeal to the county sessions; on which the respondents obtained an order at the borough sessions for their costs on the abandonment of the appeal; and it was held, that the borough sessions had jurisdiction to make the order.

Taxation of Costs after the Sessions are over.

Ex parte Watkins, 5 L. T. (n. s.) 605.

Where a person objects to an order of quarter sessions on the ground that the amount of costs inserted in the order was ascertained by taxation after the sessions had expired, he should protest against the taxation before the taxing officer; otherwise if he attends and proceeds with the taxation without protesting, he waives the objection.

12 & 13 VICT. c. 45, s. 6.

Next Practicable Sessions for Entry of Appeal.

Reg. v. Peterborough JJ.; 22 J. P. 20.

On the 6th of September, 1856, an order of removal was made. On the 9th of September a copy with notice of chargeability and grounds of removal was sent. On the 21st of September a letter

was received on behalf of the parish which had been served, stating the paupers to be settled in a third parish, and that on that ground the order would be appealed against. On the 29th of September depositions were applied for and sent. On the 7th of October notice of appeal to the Michaelmas general quarter sessions was received. On the 16th October the Michaelmas sessions was held, when, the appeal not having been entered or commenced, or hearing respited, a motion was made on behalf of respondents for costs, under the 12 & 13 Vict. c. 45, s. 6, and refused. On the 20th of October the pauper was removed pursuant to the order. On the 23rd of December fresh notice of appeal, with grounds of appeal annexed, was given for the Epiphany sessions, and on the 8th of January, 1857, those sessions were held, and the justices refused to entertain the appeal:—*held*, that the justices were right, and that the appeal ought to have been entered and respited at the Michaelmas sessions.

12 & 13 VICT. c. 45, s. 7.

Order for taking off Suspension—Amendment.

Reg. v. Hellingley, 23 J. P. 276; 5 Jur. (n. s.) 626; E. & E. 749; 28 L. J. (n. s.) M. C. 167.

An order was made for the removal of F., a pauper, from parish B. to parish H. The execution of this order was duly suspended in consequence of the illness of F. After the death of F. an order was made upon the officers of parish H. for payment of the expenses of relieving him. The justices who made this last order described themselves as justices, &c., for the borough of B. in the county of S. The order, having been brought up by certiorari, was amended by the court, by adding the words "in and" before the word "for."

12 & 13 VICT. c. 45, s. 11.

Costs of Appeal at Quarter Sessions—Special Case—Certiorari—

Taxation of Costs.

Reg. v. Hampshire JJ., 32 L. J. (n. s.) M. C. 46.

The taxation of costs can only be ordered as ancillary to the giving of final judgment; and as there was in the particular case nothing of a judicial nature to be done by the court of quarter sessions in the matter of the appeal, the order having been removed from that court and entirely quashed, that court had no longer any power to tax the costs.

Who to begin.

Hanson v. Epsom, 2 Jur. (n. s.) 38 (n.).

On a special case stated for the opinion of the court it is an established practice that the respondent begins.

How in the case of Poor Rates.

Wheeler v. Brimington, 2 L. T. (n. s.) 171; 6 Jur. (n. s.) 698; 29 L. J. (n. s.) M. C. 175; 24 J. P. 261 (n.) 660. See also Sparrow v. Imprington, *ibid.* & 6 Jur. (n. s.) 953, as well as Jervis's Acts by Glen, 2nd edition, page 199.

The 20 & 21 Vict. c. 43, does not apply to a decision of justices at a special sessions for hearing appeals against poor rates.

12 & 13 VICT. c. 45, s. 12.

Arbitration—Award—Statement of Case.

In re London Dock Company and Trustees of the Poor of the Parish of Shadwell, 32 L. J. (n. s.) Q. B. 30.

An agreement of reference in an appeal against a poor rate contained a clause enabling the arbitrators, at the request of either party, to state a case, to be settled by the umpire, for the opinion of the court. The arbitrators having disagreed, the umpire made his umpirage, and subsequently, at the request of the appellants, set out the principles upon which he had acted, with a view of enabling the appellants to have the question discussed in court. Upon a rule calling upon the defendants to show cause why the umpirage should not not be sent back to the umpire, in order that he might state the facts more fully, the court refused to interfere, as the appellants had had the opportunity of getting a case stated, and, instead of doing so, had taken their chance of getting the umpirage made in their favour.

12 & 13 VICT. c. 45, s. 18.

Costs—Liability of Succeeding Overseers.

Ex parte Fletton, 2 L. T. (n. s.) 174; 6 Jur. (n. s.) 822; 29 L. J. (n. s.) M. C. 205.

The appellants were assessed in a poor rate made on 22nd of September, 1858. They gave notice of appeal against the rate to the next Epiphany sessions. At those sessions the appeal was, on the application of the respondents (the overseers), adjourned to the Easter sessions held on the 4th of April, with full costs to the appellants. On the 26th of March the respondents gave notice that they would not oppose the appeal, and accordingly they did not attend at the Easter sessions, whereupon the rate was ordered to be quashed, with full costs to the appellants, to be paid by the respondents. Upon the 29th of March, 1859, new overseers were appointed; and in the the month of December an application was made to them for payment of the costs. Upon their refusing to pay them, the order of sessions was by order of a judge removed into the Court of Queen's Bench for the purpose of being enforced, when it was *held*, upon an application for a rule to set those orders aside, that they were unobjectionable, and that the court could not interfere.

12 & 13 VICT. c. 103, s. 4.

Removal of Lunatic to a Workhouse.

Reg. v. West Ward, *post*, p. 116.

12 & 13 VICT. c. 106, s. 164.

Liability of Bankrupt for Poor Rates—Arrest.

Phillips v. Naylor, 28 L. J. (n. s.) Exch. 225; 22 J. P. 355; see *ante*, p. 3.

13 & 14 VICT. c. 99, s. 1.

What a good Order.

Bavin v. Hutchinson, 6 L. T. (n. s.) 504; 31 L. J. (n. s.) M. C. 229.

The inhabitants of a parish met in vestry and drew up the following document:—"A meeting was held this day at W. for the purpose of carrying out the provisions in the 13 & 14 Vict. c. 99, for the better assessing and collecting the poor rates upon small tenements situate within the parish; and it was agreed that the same should be carried out in the said parish." This was held to be a valid order under the 13 & 14 Vict. c. 99, s. 1, for the adoption of the Act.

Church Rates.

Medland & Brown v. Paine, 4 Jur. (n. s.) 1233. See also Attleborough v. Kemp, 5 L. T. (n. s.) 67 on the same point.

The Small Tenements Rating Act is not applicable to church rates.

Voting by Occupiers of Small Tenements—Rejection of Votes.

Ex parte Joyce, 23 L. J. (n. s.) M. C. 153; 3 E. & B. 718; 18 Jur. 706.

In the parish of B. the owners, and not the occupiers, of tenements, the value of which did not exceed 6*l.*, were assessed and paid the poor rates under 13 & 14 Vict. c. 99. At the election of a churchwarden the votes of certain occupiers of tenements not exceeding 6*l.* in value were rejected, on the ground that they were not entitled to vote, and one of the candidates was declared elected:—*held*, that as the election could not on this ground be considered as null and void, and it was not shown that the result of the election would have been different, an application for a mandamus could not be entertained.

Voting on a Church Rate—Number of Votes.

Richardson v. Gladwin, 27 L. J. (n. s.) M. C. 192; 4 Jur. (n. s.) 377; 31 L. T. 97; 22 J. P. 688; 1 E. B. & E. 138.

The 58 Geo. 3, c. 69, s. 3, excludes from voting at all vestry

meetings inhabitants who are not rated to the poor rates, and therefore in a parish which has adopted the Small Tenements Rating Act, the occupiers of small tenements not being rated are not entitled to vote at a vestry meeting on a matter of church rates; and the owners of small tenements are not entitled to more than six votes, whatever may be the number of tenements in respect of which they are assessed.

Right of Executor to Vote in Vestry.

See *Reg. v. Kirkby*, *ante*, p. 43.

Voting at Vestry as Owner and Occupier.

Lamb & Clark v. Grieves, 8 Jur. (n. s.) 288.

In a parish in which the 13 & 14 Vict. c. 99 had been adopted and was in force, and certain owners of small tenements had been rated to the poor rate instead of the occupiers thereof, a poll was taken on a proposed church rate. In favour of the rate certain ratepayers claimed to vote (and their votes were admitted and recorded), not only according to the value of the property in their own occupation, in respect of which they were assessed under the 58 Geo. 3, c. 69, but, in addition and separately in respect of each property to which they were assessed under the 13 & 14 Vict. c. 99. The court *held*—1. That such votes were recorded erroneously and illegally; 2. That where at a vestry meeting a person is entitled to vote in two characters, as an occupier in his own right, and also as an owner in his vicarious right, he cannot exercise his rights separately, but must combine his qualifications, so as to vote according to and in respect of the aggregate charge to which he is subject.

13 & 14 VICT. c. 57, s. 8.

Salary of Vestry Clerk.

Rex. v. Croydon, 5 T. R. 714.

Salary of a vestry clerk is not payable out of poor rates unless the appointment is made under the authority of an Act of Parliament.

Illegal Payments out of Church Rates—Payments out of Church Rates for Parish Expenses not legally chargeable thereon—Liability of Vestry-Clerk.

See *Cooper v. Law*, 5 Jur. (n. s.) 1263; 6 C. B. (n. s.) 502.

14 & 15 VICT. c. 105, s. 10.

Notice of Appeal—Sending by Post—Day of Service.

See *Reg. v. Slawstone*, *ante*, p. 98.

15 & 16 VICT. c. 81.

Illegality of Paying for Refreshment to Justices out of County Rates.

See *Reg. v. Saunders*, 3 E. & B. 774.

Inspection of Accounts by Ratepayers.

See *Rex. v. Nottingham*, 3 A. & E. 500, and *Rex. v. Staffordshire JJ.*, 6 A. & E. 84, with reference to the former Act, 4 & 5 Will. 4, c. 48, s. 1.

15 & 16 VICT. c. 81, s. 2.

County Rate on Lands held in Ancient Demesne—Liability of such Land.

Reg. v. Aylesford, 1 L. T. (n. s.) 328; 6 Jur. (n. s.) 297; 24 J. P. (n.) 100, 534.

Tenants in ancient demesne are not exempted from county rates, and come within the general words of 15 & 16 Vict. c. 81, s. 2.

15 & 16 VICT. c. 81, s. 7.

Powers of Justices to require Attendance of Parties, and to produce Documents.—Liability of Private Person to be Examined before Committee.

See *Dixon v. Doubleday*, 3 L. T. (n. s.) 663; 30 L. J. (n. s.) M. C. 99; 7 Jur. (n. s.) 705.

Basis of Assessment to County Rate—Void Property.

Reg. v. Hammersmith, 33 L. T. 183.

The committee of justices of Middlesex, under 15 & 16 Vict. c. 81, prepared a basis for the county rate, and made a uniform deduction for the entire county of $2\frac{1}{2}$ per cent. for empty and unoccupied houses. In the parish of Hammersmith the actual average percentage for empty and unoccupied houses was 14 per cent.; and the parish claimed to have that deduction made whereby the assessment would be reduced from 77,805*l.* to 66,913*l.*; but it was held that the parish was not entitled to any deduction whatever in respect of empty and unoccupied houses.

15 & 16 VICT. c. 81, ss. 32, 34, 35.

Divided Parish—County and Borough.

Reg. v. Huddersfield, 31 L. J. (n. s.) M. C. 131; 1 B. & S. 961; 26 J. P. 692; 7 L. T. (n. s.) 157.

Sections 32, 34, and 35 of 15 & 16 Vict. c. 81, only apply to a borough exempt from contributing to the county rate. Where a parish is situated partly within a borough which is liable to contribute to the county-rate, the proportion contributed by the

parish to the county-rate is payable out of the general funds of the whole parish, though that part which is within the borough contributes to and is watched solely by the borough police.

15 & 16 VICT. c. 81, s. 51.

Borough within the definition of a "County."

Reg. v. East Looe, 3 B. & S. 20; 31 L. J. (n. s.) M. C. 245; 8 Jur. (n. s.) 1128.

Under the circumstances of the case it was held that the borough came within the definition of "county," in 15 & 16 Vict. c. 81, s. 51, as a liberty, and that the justices for the county at large had no jurisdiction under that Act to include the borough in the basis for the county rate.

16 & 17 VICT. c. 97, s. 67.

Certificate—Certiorari.

Reg. v. Hatfield Ferial, 18 L. J. (n. s.) M. C. 225.

A certificate for the admission of a lunatic into an asylum, signed by a clergyman and an overseer, is not removable by certiorari.

16 & 17 VICT. c. 97, s. 97.

Amendment of Order to Churchwardens and Overseers to Pay for Maintenance of Lunatic.

See Reg. v. Liverpool, see *post*, p. 120.

16 & 17 VICT. c. 97, ss. 95, 98.

Pauper Lunatic—Wife of Scotchman who had obtained no Settlement in England—Order upon County.

Clerk of the Peace for Somersetshire v. Shipham, 32 L. J. (n. s.) M. C. 83; 9 Jur. (n. s.) 869; 7 L. T. (n. s.) 673; 27 J. P. (n.) 69, 437.

Under the 16 & 17 Vict. c. 97, s. 98, a lunatic pauper who has no parish of settlement is equally chargeable to the county as one who has a parish of settlement which cannot be ascertained.

16 & 17 VICT. c. 97, s. 97.

Wife residing separate from Husband.

See Reg. v. East Retford, *post*, p. 115.

Unemancipated Son in Asylum—Father afterwards breaking his Residence.

Reg. v. St. Giles-in-the-Fields, 30 L. J. (n. s.) M. C. 12; 3 L. T. (n. s.) 292;
S. C. nom. St. Giles-in-the-Fields v. Strand Union, 7 Jur. (n. s.) 161;
24 J. P. (n.) 756.

A boy, eighteen years of age, having resided, unemancipated, with his father for more than five years in A., a parish in the S. union, became insane, and was removed as a lunatic pauper to an asylum, the expense of his maintenance, &c., being paid by the S. union. After three years, the lunatic still being in the asylum, the father removed altogether from A., upon which an order of justices was made, under Section 97 of 16 & 17 Vict. c. 97, adjudging the lunatic to be settled in the parish of G. (the place of his father's settlement), and directing that parish to pay the costs of his maintenance, &c.; but it was *held* that the order was invalid, and that the costs of maintenance ought still to be borne by the S. union, under Section 112.

Jurisdiction of Justices.

Reg. v. Faversham, 26 J. P. 310; 31 L. J. (n. s.) M. C. 116; 6 L. T. (n. s.) 415; 2 B. & S. 275.

A justice of a borough not having a quarter session, has no jurisdiction under s. 67 of 16 & 17 Vict. c. 97, to send a pauper lunatic to an asylum, and this by reason of the meaning assigned to the word "borough" by the interpretation clause, s. 132. The jurisdiction of justices under s. 97, to adjudge the settlement of a pauper lunatic and make an order for his maintenance, attaches where he is *de facto* confined in an asylum; and their order is not invalidated by the fact that he was sent there by a justice who had no jurisdiction.—*Per* Wightman & Mellor, JJ., Crompton, J., dissentiente.

Order adjudicating Settlement—Direction.

Reg. v. Crediton, 31 L. T. 114; 1 E. B. & E. 231; 22 J. P. (n.) 352, 722;
4 Jur. (n. s.) 926; 27 L. J. (n. s.) M. C. 265.

An order of justices directed to the guardians and their clerk, but ordering the clerk to pay, is a sufficient order on the guardians under this section. An order adjudicating the settlement of a pauper lunatic, under 16 & 17 Vict. c. 97, s. 97, cannot be objected to on the ground of an insufficient recital of an order sending the lunatic to an asylum. The jurisdiction of the justices attaching on the *de facto* confinement of the individual as a pauper lunatic; and the order for admission to the asylum will be presumed to be good until it is shown to be bad.

Asylum in Borough—Jurisdiction of County Sessions.

Reg. v. Warwickshire JJ., 23 J. P. 757; 5 Jur. (n. s.) 1292; 28 L. J. (n. s.) M. C. 249.

An order under 16 & 17 Vict. c. 97, s. 97, adjudging the settlement, &c., of a pauper lunatic confined in the borough lunatic asylum, was obtained by a parish situate wholly within a borough having separate quarter sessions, and was made by two justices of the borough, the asylum being also within the borough; and it was *held* that the appeal against the order, under Section 108, was to the county, and not to the borough quarter sessions.

Order of Maintenance—Parish of Settlement being part of Gilbert's Union.

Reg. v. Bramley, 25 J. P. (n.) 757; 26 J. P. 197; 31 L. J. (n. s.) M. C. 11; 8 Jur. (n. s.) 209; 1 B. & S. 732.

Where a lunatic pauper's settlement is in a parish which is part of a Gilbert's union, the order of maintenance is properly made under 16 & 17 Vict. c. 97, s. 97, on the guardians of that union, and not on the guardian of the parish.

Unemancipated Child of Irish Parents—Birth Settlement.

Reg. v. Newchurch, 3 B. & S. 107; 9 Jur. (n. s.) 536; 7 L. T. (n. s.) 271; 32 L. J. (n. s.) M. C. 19, S. C. nom. *Newchurch v. Tottington Lower End*, 26 J. P. (n.) 725; 27 J. P. 245.

A legitimate child whose parents have no settlement, though unemancipated, has a settlement in the parish in which it is born. Where a legitimate child, born in England, is removed under 16 & 17 Vict. c. 97, to an asylum as a pauper lunatic, being then above the age of sixteen, but unemancipated and living with his parents (the father being an Irishman and the mother an Englishwoman, but neither of them having any settlement) an order for his maintenance is properly made under Section 97 on the parish of his birth, and ought not to be made under Section 98 on the county, as for a pauper whose place of settlement cannot be ascertained.

Lunatic Pauper living apart from Husband.

Reg. v. St. Clement Danes, 7 L. T. (n. s.) 315.

A woman whose husband was irremovable from the parish of A., by reason of a five years' residence, but whose parish of settlement was B., was living apart from him in the parish of C., where she became chargeable as a pauper lunatic. An order of justices was therefore made under 16 & 17 Vict. c. 97, s. 97, adjudging her last legal place of settlement to be the parish of B: *held*, that the order was valid, and rightly made upon the parish of the husband's settlement, and not upon that in which he had acquired the status of irremovability.

Lunatic Wife—Order of Maintenance.

Reg. v. St. George, Bloomsbury, 32 L. J. (n. s.) M. C. 102.

Where a man has resided six years in a parish, but during those years his wife has been confined in a lunatic asylum at his instance and at the cost of his parish of settlement, and the wife again becomes lunatic and is sent to an asylum, an order for her maintenance is properly made on the parish of settlement under s. 97 of 16 & 17 Vict. c. 97, and ought not to be made on the parish of residence under Section 102.

16 17 VICT. c. 97, s. 98.

Order on County—Subsequent Order on Parish of Settlement.

Clerk of the Peace for Middlesex v. All Saints, Poplar, 2 L. T. (n. s.) 215; 29 L. J. (n. s.) M. C. 186; 6 Jur. (n. s.) 823, S. C. nom. All Saints, Poplar v. Clerk of the Peace for Middlesex, 24 J. P. (n.) 308, 661.

Where an order adjudging a pauper lunatic chargeable to the county is made, and it cannot then be shown that the removing parish is the parish of settlement, the county is not precluded from afterwards proving this and applying for an order of reimbursement.

Orders under 8 & 9 Vict. c. 126.

Rex. v. Mawgan, 8 A. & E. 496; Charrington v. Heatherington, 2 M. & W. 228; Surtees v. Ellison, 9 B. & C. 750.

As to the effect of orders under the 8 & 9 Vict. c. 126, since the passing of this Act, see the above cases.

16 & 17 VICT. c. 97, s. 102.

Wife of Lunatic living apart from her Husband.

Reg. v. East Retford, 3 B. & S. 122; 26 J. P. (n.) 725; 32 L. J. (n. s.) M. C. 17; 27 J. P. 229.

Where a woman who is residing separate from her husband, and in a different parish, is sent to a lunatic asylum as a pauper lunatic under 16 & 17 Vict. c. 97, the order for her maintenance is properly made on the parish of her husband's settlement under Section 97, and ought not to be made under Section 102 on the union of the parish from which the husband is irremovable by reason of five years' residence.

*Appeals by both Guardians and Overseers—Order on Guardians—
Dismissal of Appeal on Preliminary Points.*

Halifax v. Leeds, 21 J. P. 164; S. C. nom. Reg. v. York (W. R.) JJ., 7 E. & B. 14.

An order adjudging the settlement of a lunatic pauper to be in the township of H., in the H. union, and directing the guardians of the H. union to pay to the overseers of L. the costs of the ex-

amination and removal of the lunatic, and to the treasurer of the asylum the costs of the future maintenance, &c., was directed to the guardians of the H. union, and served upon them, and also upon the overseers of the township of H. Notice of appeal was given by the guardians, and another and distinct notice by the overseers. Simultaneously each entered a distinct appeal at the ensuing quarter sessions. The appeal of the guardians was respited at the same sessions. When the appeal of the overseers was called on, their right to appeal was disputed by the respondents; and the sessions, holding that the right did not exist, dismissed the appeal:—*held*, that the overseers had the right to appeal, that their appeal must be heard, and that the sessions ought to prevent the inconvenience of possibly conflicting decisions by ordering the two appeals to be brought on together.

*How when Order made on Settlement Parish before the passing of
16 & 17 Vict. c. 97.*

Knowles v. Trafford, 26 L. T. 248, 21 J. P. 452; 3 Jur. (n. s.) 1018;
26 L. J. (n. s.) M. C. 188; 7 E. & B. 144.

Where a lunatic pauper has, at the time of being conveyed to an asylum, acquired exemption from removal under the 9 & 10 Vict. c. 66, in a parish not within any union, the parish in which such exemption was acquired is liable since the 29th of September, 1853, by virtue of the 16 & 17 Vict. c. 97, s. 102, for the maintenance of the lunatic, notwithstanding a previously existing order for the costs of the lunatic's maintenance on the parish of his settlement. Where, therefore, justices had issued a warrant of distress on the overseers of a pauper lunatic's parish of settlement, for arrears of expense of his maintenance, subsequent to the 29th September, 1853, under an order made before the statute, and the pauper at the time he was conveyed to the asylum was exempt from removal from a parish not in a union:—*held*, by the Court of Exchequer Chamber, reversing the judgment of the Queen's Bench, in *Knowles v. Trafford*, 26 L. J. (n. s.) M. C. 51; 3 Jur. (n. s.) 383, that the order was inoperative, and the warrant had issued without jurisdiction.

*Erroneous Admission of Liability of Parish to maintain Common
Fund Pauper Lunatic.*

Reg. v. West Ward, 26 L. J. (n. s.) M. C. 29; 20 J. P. 772; 21 J. P. 212;
3 Jur. (n. s.) 185.

On 2nd October, 1844, W., who was then residing in the parish of Askham, in the same union, in which parish he had resided for eleven years previously without receiving relief, was conveyed by the relieving officer to the workhouse of the union. It was acknowledged by the Morland guardian (although, as subsequently appeared, by mistake), that the pauper's settlement was in Morland; and a sum of 4s., which had been advanced by Askham for

the pauper, was repaid by the union and charged to Morland. No order for adjudication of settlement was made. The pauper remained in the workhouse charged to Morland till October, 1845, when being found to be a dangerous lunatic, he was removed, under an order of a justice, to a lunatic asylum in the county of Lancaster; from which, by a similar order, he was, in 1847, removed to Dunston Lodge, where he had remained ever since. In each order the pauper was described as having his abode in Askham. The pauper was maintained at the expense of Morland until 5th February, 1854, when the expense of his maintenance was ordered by the guardians to be charged to the common fund. On the 22nd November, 1854, the guardians again ordered the expenses of maintenance to be charged to Morland; and at the audit for the half-year ending Lady-day, 1855, the auditor objected to this, but on account of a technical omission did not disallow the charge. At the audit, for the half-year ending Michaelmas, 1855, the auditor finding the maintenance still charged to Morland, disallowed the charge, and charged it to the common fund. The settlement of the pauper was, in fact, not in Morland, but in a parish in another county:—*held*, that the pauper had a status of irremovability in Askham, and that the union fund was properly chargeable, and the construction of the auditor was right.

Order for Expenses—Lunatic sent to Asylum from Third Parish.

Reg. v. Leeds, 21 J. P. (n.) 100, 582; S. C. nom. Leeds v. Wakefield, 26 L. J. (n. s.) M. C. 37.

On appeal against an order for the maintenance of a pauper lunatic, made on the township of Leeds, under 16 & 17 Vict. c. 97, s. 102, it appeared that the pauper had lived with her husband at Leeds ever since their marriage, which took place twenty years ago, and had thus acquired a status of irremovability there. In July, 1856, she was taken ill whilst on a visit to her sister at Wakefield, and was removed by the guardians of Wakefield to the county lunatic asylum, and shortly after in the same month her husband died at Leeds. The guardians of Wakefield obtained an order on the Leeds guardians for the maintenance of the woman in the asylum. Thorne was admitted to be the parish of her settlement:—*held*, that the order was properly made under the 102nd section of the 16 & 17 Vict. c. 97, notwithstanding that the pauper was not actually resident in Leeds at the time when she was sent to the asylum, that section containing by necessary implication authority for justices to make an order in the cases therein provided for.

Permanent Disability—Whether Lunacy is a Sickness.

See *Reg. v. Manchester*, *ante*, p. 95, and *Hunslet v. Dewsbury*, 2 Jur. (n. s.) 1207, In which Lord Campbell, C. J., said that the Court in *Reg. v. Manchester*, decided that Lunacy was not a sickness within the meaning of 9 & 10 Vict. c. 66. See further 24 & 25 Vict. c. 55, s. 6.

Order adjudicating Settlement and ordering Maintenance—Appeal—Costs—Lapse of Time.

Reg. v. Staffordshire JJ., 21 J. P. (n.) 356 (n.) 420.

The sessions which heard the appeal is alone competent to determine the question of costs, and any other sessions is incompetent.

16 & 17 VICT. c. 97, s. 104.

Preferential Claim of Overseers to Property of Lunatic.

See in *re Tyler*, 2 Jur. (n. s.) 927.

Estate of Lunatic.

In *re Burke* and in *re Trustees Relief Act*, 6 Jur. (n. s.) 717; 24 J. P. 659; see also 25 & 26 Vict. c. 86.

The Court of Chancery will order payment of dividends due on the estate of a lunatic not found so by inquisition to the nearest relative without issuing a commission.

16 & 17 VICT. c. 97, s. 107.

Amendment of Statement under 11 & 12 Vict. c. 31 s. 4.

Reg. v. Manchester, 26 L. J. (n. s.) M. C. 1; 6 E. & B. 919.

Where a statement of the grounds of adjudication required to be sent under 16 & 17 Vict. c. 97, s. 107, omitted to give the description and address of all the governors, by whom it was signed; it was *held* that this was such a defect as the sessions had power to amend under the 11 & 12 Vict. c. 31, s. 4.

Statement—how to be signed.

Heaton v. Manningham, 33 L. T. 132, S. C. nom. *Reg. v. Heaton*, 28 L. J. (n. s.) M. C. 181; 5 Jur. (n. s.) 1008; E. & E. 782. But see 24 & 25 Vict. c. 55, s. 7.

Where the order of adjudication of the settlement of a pauper lunatic is obtained by the guardians of a union on behalf of a township, the proper persons to sign the statement of the grounds of adjudication, and of the particulars of settlement required by Section 107, of the 16 & 17 Vict. c. 97, are the overseers of the township.

16 & 17 VICT. c. 97, s. 108.

At what Sessions.

Reg. v. Warwickshire JJ., 33 L. T. 201; 28 L. J. (n. s.) M. C. 249; 23 J. P. 757; 5 Jur. (n. s.) 1292.

An order under Section 97, adjudging the settlement, &c., of a pauper lunatic confined in the borough lunatic asylum, was obtained by a parish situate wholly within a borough, having separate quarter sessions, and was made by two justices of the borough, the asylum being also within the borough:—*held* that the appeal against the order under Section 108, was to the county, and not to the borough quarter sessions.

Adjournment after Appeal has been partly heard. *

Reg. v. Cambridge, 30 L. J. (n. s.) M. C. 137; 1 E. B. & S. 61; 7 Jur. (n. s.) 1073.

At the hearing of an appeal against an order made by justices adjudicating the settlement of a pauper lunatic, and ordering payment for his maintenance, the court have power to adjourn the hearing to the next sessions, and this after the hearing and trial of the appeal has been partly proceeded with. But the power of so adjourning ought to be cautiously and carefully exercised.

Appeal—Jurisdiction of Justices.

Reg. v. Lancashire JJ., 18 Q. B. 361; 21 L. J. (n. s.) M. C. 164.

With reference to the repealed Act 8 & 9 Vict. c. 126, s. 62, it was held that an appeal against an order for the maintenance of a lunatic pauper must be to the quarter sessions having jurisdiction in the place from which the lunatic was removed to an asylum.

Jurisdiction of Sessions—Subsequent Sessions—Costs.

Reg. v. Staffordshire JJ., 26 L. J. (n. s.) M. C. 179; 3 Jur. (n. s.) 1148; 22 J. P. 209.

The jurisdiction to grant costs of appeal was in the court which had heard and determined it, and in no other court; and therefore, an order made at a subsequent sessions was invalid.

Right of Appeal by Overseers when Notice of Appeal is also given by Guardians.

See Reg. v. York (W. R.) JJ., 26 L. J. (n. s.) M. C. 41; 21 J. P. 164; 7 E. & B. 14. But see 24 & 25 Vict. c. 55, s. 7.

16 & 17 VICT. c. 97, s. 111.

Local Act—Signature of Notice of Grounds of Appeal.

Reg. v. Cambridgeshire JJ., 6 L. T. (n. s.) 332; 26 J. P. 359; 8 Jur. (n. s.) 562, S. C. nom. Reg. v. Cambridge, 7 L. T. (n. s.) 673; 27 J. P. 70.

By a local Act, 1 & 2 Will. 4, c. 51, sixty-three persons were to

be elected for certain parishes in the city and county of Norwich, to be guardians of the poor for such city and county, and to be a corporation by the name of "the governor, deputy-governor, and guardians of the poor of the city and county of Norwich, and liberties of the same;" such corporation are invested with all the powers of churchwardens and overseers concerning the poor, and the corporation, or the governor, or deputy-governor, are authorized to do and perform all acts as churchwardens and overseers of the poor, and may institute and defend any appeal, &c.:—*held*, that grounds of appeal against an order, signed "James Winter, governor of the corporation of the governor, deputy-governor, and guardians of the poor of the city and county of Norwich, and the liberties of the same," were bad, and that they ought to have been signed by three or more of the guardians.

16 & 17 VICT. c. 97, s. 113.

Wrong Direction of Order—Power to Amend.

Reg. v. Liverpool, 2 L. T. (n. s.) 173; 23 L. J. (n. s.) M. C. 137; 6 Jur. (n. s.) 1028; 24 J. P. (n.) 259, 646.

By a local Act the churchwardens and overseers, together with twenty-one persons, were declared to be the guardians of the poor, of the parish of L. The justices made an order, adjudging the settlement of a lunatic, on "the churchwardens and overseers of the parish of L.," which was served on the overseers, but not on the guardians. On appeal the order was amended into an order "on the guardians of the poor of the parish of L.:"—*held*, that both orders were bad; that the mistake was one of substance, and not of form; and that the amending order sought to affect new parties, who had never been before the court.

16 & 17 VICT. c. 97, s. 115.

What Court to grant Costs.

Reg. v. Staffordshire JJ., 21 J. P. 420; 3 Jur. (n. s.) 1148.

The sessions which heard the appeal is alone competent to determine the question of costs, and any other sessions is incompetent.

17 & 18 VICT. c. 38, s. 7.

Penalty—to whom to be paid in Metropolitan Police District.

See Wray v. Ellis, 28 L. J. (n. s.) M. C. 45.

18 & 19 VICT. c. 105, s. 14.

How when Borough Contributes to County Rates.

Birmingham v. Beaumont, 22 J. P. (n. s.) 82, 623; 27 L. J. (n. s.) M. C. 181; 4 Jur. (n. s.) 686, affirmed in Exchequer Chamber; Reg. v. Bacchus, 29 L. J. (n. s.) M. C. 56; 6 Jur. (n. s.) 218; 33 L. T. 318; 24 J. P. 85." The 18 & 19 Vict. c. 105, s. 18, has, however, been repealed by 25 & 26 Vict. c. 111, s. 45, and further provisions made.

The borough of Birmingham is a borough under the 5 & 6 Will. 4, c. 76. It has a separate court of quarter session and gaol, and contains, besides the parish of Birmingham proper, the parish of Edgbaston, and certain hamlets situate in the parish of Aston; and before the 2 & 3 Will. 4, c. 64, the area comprised in it was chargeable with and contributed to the county-rate of the county of Warwick up to the time of incorporation in 1838. The borough erected and keeps and maintains a lunatic asylum of its own. Under the provisions of the 12 & 13 Vict. c. 82, s. 2, it has ceased to contribute, and does not contribute any sum towards the county rate in respect of the lunatic asylum of the county of Warwick, or the expenses of the pauper lunatics therein, or of gaols, coroners' inquests, and the like, but it does, under the provisions of the 117th section of the 5 & 6 Will. 4, c. 76, contribute to the county rate in respect of all other sums of money expended out of the county rate for purposes for which boroughs having coroners, courts of quarter sessions, gaols, and lunatic asylums of their own are liable to contribute under the provisions of the sixth section:—*held*, that an order could not lawfully be made on the treasurer of the borough requiring him to pay the amount of expenses incurred in respect of a pauper lunatic found in the borough, and sent to asylum for the borough, whose settlement could not be ascertained.

18 & 19 VICT. c. 120, s. 16.

Liability of Returning Officer maliciously Rejecting Votes.

See Tozer v. Child, 6 E. & B. 289; 3 Jur. (n. s.) 409; 21 J. P. 516.

18 & 19 VICT. c. 120, s. 90.

Demand to be Rated.

Reg. v. Islington, 8 L. T. (n. s.) 331; 32 L. J. (n. s.) M. C. 257.

Under this Act a demand of an inhabitant to be inserted in the rate book as a ratepayer should be made upon the vestry of the parish, and not upon the overseers.

Making Poor Rates by Vestry in Parishes under Local Acts.

Vaughan v. Imray, 33 L. T. 29; 28 L. J. (n. s.) M. C. 78; 5 Jur. (n. s.) 980; see also Reg. v. Stretfield and Dixon, 32 L. J. (n. s.) M. C. 236.

By a local Act, making the hamlet of Spitalfields a distinct

parish, the rector of the church, the churchwardens and overseers of the poor, and all other persons possessing certain specified qualifications, were constituted the vestrymen of the parish. By another local Act power was given to them to make poor rates. By 18 & 19 Vict. c. 120, s. 2, the new vestry of certain parishes including the parish of Spitalfields, was ordered to be elected in a certain specified manner, and the incumbent and churchwardens were to constitute part of such vestry, and were to vote therein, in addition to the elected vestrymen; and by Section 8 it was enacted, that "such vestrymen with such persons as hereinbefore mentioned, shall forthwith be deemed to constitute the vestry of such parish, and shall supersede any existing vestry therein, and exercise the powers and privileges held by such existing vestry." Under the above provisions a vestry was elected for the parish of Spitalfields, and made poor rates, the overseers taking no part in making them. It was *held*, the powers of making poor rates possessed by the old vestry were transferred to the new vestry, and the rates were lawfully made, the overseers not being entitled to vote.

Governors and Directors—who to Appoint in Parish under Local Act.

Reg. v. Rendle, in re St. John, Southwark, 30 L. J. (n. s.) M. C. 185;
1 E. B. & S. 54; 25 J. P. 565; 7 Jur. (n. s.) 1072.

The parish of St. John, Southwark, was, previous to the passing of the Metropolis Local Management Act, governed by certain local Acts, by which it was provided that the vestrymen should appoint governors and directors of the poor, who should make out the poor rates for the said parish; but it was held, that since the passing of the above-mentioned Acts, the old vestry had no longer the power of appointing the governors and directors, but that the power of doing so was vested in the new vestry.

Appointment of Charity Trustees.

See in re Hayles' Charity, 8 Jur. (n. s.) 810; 7 L. T. (n. s.) 18.

Right of Vestry to Present to a Living.

See Carter v. Cropley, 28 L. T. 347; 3 Jur. (n. s.) 171.

18 & 19 VICT. c. 120, s. 165.

Rating Water-pipes, Land, Houses, and "other than Land."

See Southwark and Vauxhall Waterworks Company v. St. Mary, Putney,
3 Jur. (n. s.) 411.

18 & 19 VICT. c. 120, s. 181.

Appointment of Person to make a Rate in default of Overseers.

Reg. v. Glossop, 32 L. J. (n. s.) M. C. 92.

By the 18 & 19 Vict. c. 120, s. 181, the metropolitan board of works has power, in default of the overseers, to appoint a person to make a rate over parishes beyond the metropolis, but within the limits of the repealed Metropolis Sewers Act, 11 & 12 Vict. c. 112, for the purpose of paying off debts due under the last-mentioned statute.

18 & 19 VICT. c. 120, s. 250.

Guardians having powers of Rating under Local Act, whether included in expression "the Overseers of the Poor."

See *Christie v. St. Luke, Chelsea*, 4 Jur. (n. s.) 733.

19 & 20 VICT. c. 112, s. 3.

Audit of Accounts.

Reg. v. St. Pancras, E. B. & E. 583; 27 L. J. (n. s.) M. C. 281.

Section 3 of 19 & 20 Vict. c. 112 has not repealed the proviso to 18 & 19 Vict. c. 120, s. 197, which excepts from the operation of that Act accounts subject to the audit of an auditor under 4 & 5 Will. 4, c. 76.

20 VICT. c. 19, s. 1.

Addition of Extra-Parochial Place to Union.

Staple Inn v. Holborn, 9 Jur. (n. s.) 652; 32 L. J. (n. s.) M. C. 181; 27 J. P. 695.

Staple Inn, an extra-parochial place, never having had poor, held to have been duly united to the Holborn union under 4 & 5 Will. 4, c. 76, s. 26, and laid under a union contribution order under 24 & 25 Vict. c. 55, s. 9.

Extra-Parochial Place—Addition of to Union.

Reg. v. Boteler, 32 L. J. (n. s.) M. C. 91; 8 L. T. (n. s.) 514.

If the owners and occupiers of an extra-parochial place have not chosen to annex the place to some parish under s. 4 of 20 Vict. c. 19, the poor law board may add the place as a parish to a poor law union under 4 & 5 Will. 4, c. 76, s. 32, without the consent of any owners or occupiers of land in the place.

Residence in Extra-Parochial Place—Status of Irremovability.

Reg. v. St. Sepulchre, Northampton, 33 L. T. 120; 28 L. J. (n. s.) M. C. 187;
E. & E. 813.

A pauper resided in an extra-parochial place for five years previous to 18th of June, 1858, at which time an order of removal was made. The place was made a parish by the 20 Vict. c. 19, from 1st of January, 1858. It was *held*, that the pauper had not acquired the requisite status of irremovability under 9 & 10 Vict. c. 66, s. 1, the 20 Vict. c. 19 having no retrospective application. In this case the court upheld as valid an order of removal obtained by the overseers of a place which had been constituted a parish by 20 Vict. c. 19, s. 1.

Evidence of Extra-Parochiality—Agreement of Owners to Maintain their own Poor—Custody of Document.

Mytton v. Thornbury, 29 L. J. (n. s.) M. C. 109; 6 Jur. (n. s.) 341; 2 L. T. (n. s.) 12; 24 J. P. 180.

On a question as to whether N. was extra-parochial or part of the parish of T., it appeared that since 1698 N. had maintained its own poor. An agreement of that date was lately found in a chest of a large owner in the parish of T., by which the then owners of N. agreed to maintain their own poor, and reciting that N. was in the parish of T. A rate having been made by the parish of T. on the inhabitants of N.:—*held*, that the agreement came from proper custody and was admissible:—*held, further*, that if N. had been entered in the registrar-general's report in the last census as extra-parochial, that would have been conclusive under the extra-parochial places Act, 20 Vict. c. 19, s. 1; but as it was entered "T. with N." and not N. separately, the objection of extra-parochiality was not sustained.

Cathedral Precincts—Presumption that Cathedral is Extra-Parochial.

Braithwaite v. Hooke, Arch. Ct. 26 J. P. 660.

Where the vicar of a parish in which a cathedral was situated, and who was also sub-dean, claimed the precincts as part of the parish, and sought to exclude the dean from reading the burial service in the cathedral churchyard:—*held*, where it is doubtful whether the cathedral existed before or after the institution of civil parishes in 1189, the presumption was that the cathedral and precincts were from the first extra-parochial.

20 & 21 VICT. c. 50, s. 7.

Signing Burgess List by Overseers.

See Hunt v. Hibbs, *ante*, p. 66.

22 & 23 VICT. c. 49, ss. 2, 4.

Payment of Debts—Retrospective Rates—Right of Action by Creditors.

Luce v. City of London Union, 24 J. P. 358.

L. sued the city of London union for a debt incurred four years before the passing of the Act 22 & 23 Vict. s. 49. By Section 2 the guardians may pay such debt if the poor-law board consent. By section 4, if any creditor sue within a year, or such further time as the poor-law board may grant, and prosecute with all due diligence till judgment, such judgment shall be satisfied by the guardians, though recovered after the time limited:—*Semble*, it was not necessary for L. to obtain the consent of the poor-law board before bring his action within the 4th section.

22 & 23 VICT. c. 49, s. 6.

Union Fund—Estimate of Expenses—Balance from preceding half-year—Valid Call—Case stated by Justices under 20 & 21 Vict. c. 48.

City of London Union v. Acocks, 24 J. P. 502; 8 C. B. (n. s.) 760.

When an estimate made by the clerk of a board of guardians of the sum which will be required for the ensuing half year, includes a balance existing at the beginning of the half year, which balance is made up of balances from preceding half years, the order for contribution is valid under s. 6 of 22 & 23 Vict. c. 49.

24 & 25 VICT. c. 55, s. 1.

Irremovability—Three Years' Residence in Union—Retrospective Operation of Act.

Reg. v. Preston, 27 J. P. (n.) 292, 581, S. C. nom. *Preston v. Blackburn*, 32 L. J. (n. s.) M. C. 180; *Reg. v. Blackburn*, 8 L. T. (n. s.) 274; 32 L. J. (n. s.) M. C. 180; S. C. nom. *Preston app. Blackburn resp.*, 9 Jur. (n. s.) 1039.

On the 14th of March, 1862, two justices made an order for the removal of a pauper from B. to P.; at the time of the order the pauper had resided continuously for eighteen months next before the application in B. For more than three years to the commencement of the eighteen months he had resided in the township of L., which with B. comprised the B. union:—*held*, that the pauper had become irremovable, and that the order was bad.

Irremovability—Constructive Removal—What not—Retrospective Operation of Act.

Reg. v. Hendon, 32 L. J. (n. s.) M. C. 202; 8 L. T. (n. s.) 276; 27 J. P. (n.) 293, 677.

A pauper for whose removal from a parish an order had been obtained in 1855, but who was not actually removed under it, does not break her residence in the removing parish; and not

having in fact been removed under the order, she became irremovable by virtue of a three years' residence in the union previous to 1855, and by operation of 24 & 25 Vict. c. 55, s. 1.

*Irremovability—Retrospective effect of 24 & 25 Vict. c. 55, s. 1—
Three Years' Residence.*

Salford v. Manchester, 32 L. J. (n. s.) M. C. 107; 9 Jur. (n. s.) 821; 27 J. P. (n.) 118; 7 L. T. (n. s.) 823.

The statute has the same operation as the 1st section of the 9 & 10 Vict. c. 66, and is retrospective.

An order of removal of a pauper to his place of settlement was made on the 12th of March, 1862, but he was not removed till after the 25th of March, and he had resided more than three years in the parish which had obtained the order:—*held*, that the parish obtaining the order was not entitled to an order against the parish of settlement under 4 & 5 Will. 4, c. 76, s. 84, for the costs of maintaining the pauper from the time of the notice of chargeability.

24 & 25 VICT. c. 55, s. 6.

Lunatic Pauper—Order of Maintenance.

Droitwich *app.*, Worcester *resp.*, 8 L. T. (n. s.) 276; 9 Jur. (n. s.) 1151; 27 J. P. (n.) 294, 630.

On the 24th of March, 1862, an order of justices was made pursuant to Section 96 of 16 & 17 Vict. c. 97, upon the parish of settlement; and it was *held*, that as the 24 & 25 Vict. c. 55, s. 6, did not come into operation until the following day the order was good.

24 & 25 VICT. c. 55, s. 9.

Union for Settlement.

See Reg. v. Calthrop, *ante*, p. 57.

24 & 25 VICT. c. 134, s. 156.

Parochial Rates.

In re Saberton, 9 L. T. (n. s.) 267.

One year's parochial rates, due at date of bankruptcy, may be paid in full.

43 ELIZ. c. 2. s. 1.

Parochial Boundary—abutting upon a Highway.

Reg. v. Strand Board of Works, 9 L. T. (n. s.) 374.

Where the boundary of property is described as abutting upon a highway, such boundary must be taken (in the absence of evidence the other way), to extend to the middle of such highway.

Evidence of Boundary—Ancient Survey.

Freeman v. Read, 32 L. J. (n. s.) M. C. 227.

A parliamentary survey, made in 1652 (during the Commonwealth), in which a place was described as forming a separate tything, is good evidence of reputation, whether the survey be considered as made by competent authority or not.

Poor Rate—Endowed School—School-house and Master's Residence.

Reg. v. Stapleton, 9 L. T. (n. s.) 322; 27 J. P. 772.

Premises were held in trust to permit the master, wardens, &c., of B. to hold and enjoy a house for the residence of 100 boys, a schoolmaster, and necessary servants for the school. The boys were boarded, &c., and put out as apprentices, and the establishment was purely an endowed one; under these circumstances it was held that the schoolmaster was rateable for the house, &c., occupied by him; and the master, wardens, &c., for the portion appropriated for the boys, servants, schoolhouse, and play-ground.

Poor Rate—Branch Line of Railway—Profit derived by Main Line from Branch Traffic.

London and North Western Railway Company v. Cannock, 9 L. T. (n. s.) 325.

The rateable value of land in a parish may be increased by its producing a return to the occupiers out of the parish: as, where a branch railway occupied by a company, owning a main line into which it runs, produces a profit by virtue of the traffic which it causes over the main line. Where therefore the branch line of a railway ran into the main line, and was leased to the company, the proprietors of the main line, at a fixed rent, and the traffic on the branch line yielded no profit whatever with reference to the branch itself, but such traffic passed over the main line and contributed considerably to the traffic and profit of the main line, it was held that the proprietors of the main line, as occupiers of land in the parishes through which the branch line ran, were liable to be rated, not merely with respect to the earnings of such branch lines in such parishes, but in respect of the value to them as bringing a profit to their main line.

Poor Rate—Waterworks Company.

Greenock Police Trustees v. Shaw's Water Company, 9 Jur. (n. s.) 1207; S. C. nom. Shaw's Water Company v. Greenock Police Trustees, 9 L. T. (n. s.) 182.

This was a Scotch case, decided on appeal to the House of Lords. A waterworks company were empowered by their Act to let sites for erecting mills on the banks of their watercourse, and also to contract to supply water power to the mills to be so erected, at such annual rents as might be agreed upon. In respect of the annual income derived from this source, the company were rated as occupiers and not the mill-owners. *Held*, that the assessment was rightly made.

59 GEO. 3, c. 12, s. 7.

Appointment of Assistant Overseer—Increase of Salary.

Caunter v. Addams, 9 L. T. (n. s.) 391; 9 Jur. (n. s.) 1295.

A claim was made to be retained upon the list of voters for a borough, on the ground that the claimant had duly served a claim to be rated on the assistant overseer, and had been rated accordingly. It was objected that the claimant was not duly qualified on the ground that the claim made to the assistant overseer was of no effect, his appointment as assistant-overseer having been revoked.—Y. had in 1859 been duly elected and nominated by the inhabitants in vestry to be assistant overseer of the parish which was coextensive with the borough at a certain fixed salary. He was subsequently duly appointed assistant overseer by two justices, pursuant to 59 Geo. 3. c. 12, s. 7. In March, 1861, he gave notice of resignation to the board of guardians; but recalled the notice prior to Lady-day, 1861, on which day, by a resolution of the inhabitants in vestry assembled, his salary was increased by a fixed sum. The sanction of two justices to this increase was not obtained, and there was no re-appointment of Y. by the justices; and he continued to act as assistant overseer. It was contended that there had been a fresh election and nomination of Y. by the inhabitants in vestry on Lady-day, 1861, and a fresh appointment by justices was required. The revising barrister, however, overruled the objection and allowed the vote, and it was *held* that he was right in so doing.

5 & 6 VICT. c. 109, s. 17; 13 VICT. c. 20, s. 2.

Justices' Clerks Fees—Vagrant Prosecutions—Order on Overseers for Payment.

Neithrop v. Whidcoat, 9 L. T. (n. s.) 383.

An order under 5 & 6 Vict. c. 109, s. 17, and 13 Vict. c. 20, s. 2, was made by the justices on the overseers, requiring them to pay a sum to W., the superintendent of police, "for fees due to him," is not supported by evidence that the fees were those really due to the clerk to the justices in vagrant cases, and had been paid in the first instance to him¹ by the superintendent, who sought the order in question as a means of reimbursing himself; and therefore it was *held* that the justices were not authorized to enforce such order.

7 & 8 VICT. c. 101, s. 27.

Property of Lunatic—Sum due to Guardians for Maintenance of Lunatic in Workhouse—Future Maintenance of Lunatic.

In re Burbidge, 3 Mac. & Gor. 1.

By a report of the former Commissioners in Lunacy, it appeared that the property of a lunatic consisted of a freehold cottage and three roods of land of the annual value of £4, and a reversionary interest in an estate of freehold and copyhold lands of the annual value of £260. The lunatic had resided with his father, and after the death of his father, with a younger brother, and such younger brother being unable to maintain him any longer, the lunatic was removed to the union workhouse. The petition of the committee of the person and estate of the lunatic set out these facts, and stated that the lunatic had incurred a debt of £6 13s. 8d. for maintenance in the workhouse, and prayed a reference so as to take an account of what was due to the younger brother for the maintenance of the lunatic, and also what was due to the union to the date of the petition, and for a reference whether it would be fit and proper and for the benefit of the lunatic that his reversionary interest, or any part of it, should be sold for the purpose of discharging the sums which might be found due, and for the future maintenance of the lunatic. Lord Chancellor Truro thereupon ordered a reference to ascertain whether there was any sum due to the brother of the lunatic and to the union, and whether it would be fit and proper that any sum which might be found due should be raised, and also whether a fund for the maintenance of the lunatic should be raised out of the reversionary interest by sale or otherwise. His lordship added, that he thought it very inexpedient, that where a lunatic has property, he should be suffered to remain in a workhouse.

¹ This case was argued on the assumption that the clerk to the justices had received the fees from the superintendent; but from the statements and counter-statements of counsel this was not at all clear.

Estate of Lunatic—Order in favour of Guardians under Trustees Relief Act.

In re Upfall's Trust, 3 Mac. & Gor. 281.

In this case an order was made on a petition presented by the guardians of the poor of the Brentford union under the Trustees Relief Act, 10 & 11 Vict. c. 96, for payment to them out of a fund paid into court by trustees in which a lunatic was interested, of sums expended by the guardians in support of the lunatic. Lord Truro, C., holding that by the Trustees Relief Act the court was placed in the position of the trustees, and that the trustees might have made the payment under the 7 & 8 Vict. c. 101, s. 27.

16 & 17 VICT. c. 97, s. 104.

Pauper Lunatic—Next of Kin—Administration—Clerk to Guardians.

Mile End Old Town v. Findlay, 9 L. T. (n. s.) 346; 9 Jur. (n. s.) 1253;
S. C. nom. Southwell v. Findlay, 27 J. P. 760.

J. F. died intestate, and a widow, leaving a daughter, the only person entitled to distribution of her effects. The daughter had been for some years in the county asylum, maintained at the charge of Mile End Old Town, and no committee of person or estate had been appointed. The mother left a sum of money, principally in the funds, in the name of her late husband, under whose will she was entitled to it. After the proper citations, the court, under Section 73 of the Probate Act, granted administration of the goods of the mother to the clerk to the guardians of Mile End Old Town, for the use and benefit of the lunatic, limited till the period of her lunacy. An inventory and justified security to be required.

22 & 23 VICT. c. 49.

Limitation of Time for Recovery of Debt—Plea.

Baker v. Billericay, 9 Jur. (n. s.) 1201; 9 L. T. (n. s.) 486.

The 22 & 23 Vict. c. 49, enacting that no debt due from the guardians shall be paid, save within the current half-year and three months after, provided that the Poor Law Board may order the time for payment to be extended, a creditor of the guardians cannot recover in an action commenced after the expiration of the half-year and three months, the time not having been extended by the Poor Law Board, although at the time of the commencement of the action they might have done so. *Semble.* If the Poor Law Board afterwards extend the time for payment, a fresh action may be brought. *Per* Pigott, B. The Act is in effect a statute of imitations, and should be looked at as such.

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PUBLISHED BY THE DIRECTION OF THE POOR LAW BOARD,

BY KNIGHT & COMPANY,

REQUIRED FOR USE UNDER THE GENERAL ORDER

OF ACCOUNTS, *dated 17th March, 1847.*

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Form		
20	Inventory Book, half-bound, 15 inches by 11	Books of 2 qrs., 6s.
21	Admission and Discharge Book, half-bound, 15 inches by 11	3 qrs., 7s. 6d.
22	In-door Relief List and Abstract, half-bound, 15 inches by 11	„ 5 qrs., 14s.
23	Ditto, ditto, folio, 15 inches by 22.	„ 3 qrs., 8s.
„		„ 5 qrs., 15s.
24	Master's Day Book, half-bound, 13 in. by 10.	„ 3 qrs., 18s.
*25	Provision Consumption Book, half-bound, 10 inches by 13	„ 5 qrs., 30s.
26	Ditto, large form, with 7 columns for each Meal	„ 3 qrs., 6s. 6d.
„	Ditto, improved form, imperial quarto, oblong, with the Articles printed in.	Books for 1 year, 9s. 6d.
27	The Provision Receipt and Consumption Book, half-bound, 15 inches by 10	„ half-year, 9s. 6d.
28		„ 1 year, 15s.
29	Ditto, with the Articles printed in	„ 1 „ 6s.
„		„ 2 „ 8s.
„	Ditto, improved form, post folio, with the Articles printed in	„ 3 „ 10s.
30	Clothing Materials Receipt and Conversion Book, half-bound, 13 inches by 10	„ 1 „ 8s.
31	Clothing Receipt and Expenditure Book, half-bound, 10 inches by 13.	„ 2 „ 10s.
32	Clothing Register Book, half-bound, 10 inches by 13	„ 3 „ 12s.
		„ 1 „ 12s. 6d.
		„ 2 „ 17s. 6d.
		„ 3 „ 21s.
		Books of 3 quires, 6s. 6d. each.

SCHED. D.		FORMS FOR THE RELIEVING OFFICER.		
Form		Leather.	Cloth.	Half-bound.
33	Application and Report Book, bound, to roll up for the pocket, 15 inches by 11	1 qr. 4 3	3 3	5 6
		2 qr. 6 0	5 0	7 0
		3 qr. 7 6	6 6	8 6
34	Out-door Relief List, bound to roll up for the pocket, 18 inches by 15	1 qr. 7 0		10 0
		2 qr. 10 0		13 0
		3 qr. 13 0		16 0
34a	Mr. Hotson's Form of Out-door Relief List, with separate columns for Money and Kind, 32 lines on a page, 18 inches by 15 inches.	1 qr., or 24 each long and short leaves, 9s. 6d.		
		1½ qr., or 36 ditto, 10s. 6d.		
		2 qr., or 48 ditto, 12s.		
		3 qr., or 72 ditto, 14s.		
		4 qr., or 96 ditto, 15s.		
		6 qr., or 144 ditto, 18s.		

* These Books are also kept with 11 Classes, in accordance with the Letter of the Poor Law Board.
 † See Memorandum in reference to these Books, p. 16.

Schedule and No of Form.	Name and Description of Form.	Price.
SCHED. D.	FORMS FOR THE RELIEVING OFFICER— <i>continued.</i>	
Form		
For the Relieving Officer.	34 <i>aa</i> Mr. Hotson's smaller Form, 20 lines on each page, 18 inches by 10½ inches	1 qr. or 24 ditto, 6s. 1½ qr. or 36 ditto, 8s. 2 qr., or 48 ditto, 9s. 3 qr., or 72 ditto, 11s. 4 qr., or 96 ditto, 13s.
	31 <i>b</i> Rough Out-Relief List, for the Pocket, 9½ inches by 8½, in leather	Books of { 1 qr. 4s. 6 <i>d.</i> 2 qr. 7s. 6 <i>d.</i> 3 qr. 10s.
	35 Abstract of the Out-door Relief List, half-bound, 18 inches by 15	„ 1 qr., 10s.
	36 Out-door Receipt and Expenditure Book, half-bound, 15 inches by 11, with Summary	„ 3 years, 7s. 6 <i>d.</i>
	36 <i>a</i> Ditto, foolscap, with ditto	each, 6s.
	36 <i>aa</i> Ditto, Mr. Hotson's Form, with ditto	„ 6s.
	36 <i>b</i> } Summary of Receipts and Expenditure	„ 5s
	36 <i>bb</i> }	

OTHER BOOKS AND FORMS.

No. in Order.	FORMS FOR THE MEDICAL OFFICER.	
37	Register of Sickness and Mortality	Books of 2 qrs., 7s. 6 <i>d.</i>
37 <i>a</i>	Ditto, foolscap	each, 6s.
38	District Med. Relief Book, Form P.	Books of 2 qrs., 8s.
38 <i>a</i>	Ditto, foolscap ditto	each, 6s.
38 <i>b</i>	Ditto, in sheets, post folio, large size	per Quire, 3s.
38 <i>c</i>	Index to ditto	Books of 1 qr., 2s. 6 <i>d.</i>
40	Medical Officer's Certificate	„ 100, 1s. 6 <i>d.</i>
41	Medical Officer's Order for Sick Diet	Books of 100, 1s.
42	List of Permanent Sick and Disabled Poor	per Quire, 1s. 6 <i>d.</i>
42 <i>a</i>	Ditto	Books of 2 qrs., 6s.
43	Medical Officer's Certificate of Cause of Death	„ 100, 1s. 6 <i>d.</i>
44	Medical Officer's Quarterly Return, In-door or Out-door Poor	per Quire, each, 3s.
45	Medical Tickets under Medical Rules	per 100, 2s. 6 <i>d.</i>
46	Medical Officer's Quarterly Return of Lunatics	per 50, 1s., thin paper.
46*	Medical Officer's Statement of Extra Medical Fees	per Quire, 3s.

SCHED. A.
Forms

FORMS FOR THE PARISH OFFICERS.

1 to 10	See pages 1 to 3	
47	Notice to Medical Officer to attend a Case of urgent necessity by Churchwardens and Overseers	Books of 100, 2s.
48	Instructions to Parish Officers	
49	Notice of having called for Rate	
51	Order for Exemption of Poor Rates on the ground of Poverty	per Quire, each, 3s.
52	Instructional Circular of the Poor Law Board on the Union Assessment Committee Act, dated 17th October, 1862	per Dozen, 1s. 6 <i>d.</i>

No. in Order.	Name and Description of Form.	Price.
SCHED. C.		
Forms		
FORMS FOR THE MASTER OF THE WORKHOUSE.		
20 to 32	See page 5	
53	Register of Births, half bound	Books of 1 qr., 5s.
54	Register of Deaths, ditto	
55	In-door Labour Book, half-bound	
56	Out-door Labour Book, half bound	each, 7s. 6d.
57	Visiting Committees' Book	„ 7s. 6d.
57a	Visitors' Book as to Lunatics in the Workhouse } (25 & 26 Vict. c. 111)	„ 8s.
58	Chaplain's Report Book	„ 6s.
58a	Ditto, printed Heading	„ 7s.
59	Paupers' Service Book	„ 8s.
60	Leave of Absence Book	„ 8s.
61	Book for entering Articles required in the Work- } house	„ 8s.
62	Weekly Report Book of the Master of the Work- } house	Book for 2 years, 12s.
63	Book for keeping an Account of the Bread baked } in the Workhouse—for 2 years	each, 6s.
64	Porter's Book, 5 qrs. rough calf	„ 16s.
64a	Ditto, 2 quires, half basil	„ 8s.
65	Workhouse Punishment Book, Form O.	
66	Medical Relief Book for the Workhouse, Forms } Q. & R.	„ 8s.
67	Index to ditto	„ 2s. 6d.
68	Report and Journal of the Master of the Workhouse, } Form U.	„ 8s.
68a	Ditto ditto, with Form A.	„ 10s. 6d.
69	Casual Paupers' Examination Book	„ 9s.
70	Book for Entry of Relief Tickets for Master of } Workhouse	„ 8s.
71	Vagrants' Admission and Discharge Book	„ 8s.
72	Pauper Clothing Deposit Book	„ 7s.
72a	Sick Diet Register	„ 7s.
73	Spirituous Liquor Clauses, 92 and 93 Poor Law Act	per Quire, 4s.
73a	Ditto ditto	Boards, each, 1s.
74	Table of Hours of Rising	per Quire, 4s.
74a	Ditto ditto	Boards, each, 9d.
75	Dietary Tables printed to pattern according to the } Authorized Dietary of each Union	
76	Regulations respecting Disorderly and Refractory } Paupers	per Quire, 12s.
76a	Ditto ditto	Boards, each, 2s. 6d.
77	Notice—Task of Work to be performed by Vagrants	per Quire, 6s.
77a	Ditto ditto	Boards, each, 1s. 6d.
78	Workhouse Register of Vagrants	each, 8s.
78*	Certificate required to be produced by Vagrants . .	per Quire, 3s.

SCHED. D.

Forms

FORMS FOR THE RELIEVING OFFICER.

33 to 36	See pages 5, 6	
78a	Register Book of Certificate of Vagrants	each, 8s.
79	Permanent Out-door Relief Cards for one Quarter .	per 100, 6s.
80	Tickets for Relief, in sheets	per Quire, 3s.
81	Check Books for Out-Relief	
81a	Out-Relief Ticket Books. Form K.	Books of 100, each, 1s.
81b	Bread Contractor's Order Ticket Book	Books of 50, each 2s. 6d.

No. in Order.	Name and Description of Form.	Price.
FORMS FOR THE RELIEVING OFFICER— <i>continued.</i>		
82	Orders to remove Paupers	
83	Relieving Officer's Order to Master of Workhouse to admit Pauper conditionally	Books of 100, each, 1s.
84	Ditto on Undertaker to attend Burial	
85	Relieving Officer's Order to employ Pauper	
85a	Relieving Officer's Application to have Relief given to Pauper to be charged to the Common Fund, with the Evidence and Grounds in support of it	per Quire (48), 3s.
„	Ditto ditto in books {	1 Quire, each, 5s.
85b	Book for List of Paupers charged to Common Fund of Union	2 „ „ 7s. 6d.
86	Order to pay Pauper employed	each, 6s.
87	Order on Contractor for Stone of Flour	Books of 100, each, 1s.
88	Medical Relief Order Check Book. Form V.	
89	Notice, Time and Places where Relief is distributed	per Quire, 3s.
90	Relieving Officer's Register	
91	Ditto Diary	each, 6s.
92	Ditto Visiting Book	
92a	Non-resident Poor Relief List	„ 8s.
93	Relieving Officer's Book for keeping the Weekly Account of the Relief given to the Non-settled Poor	„ 6s.
93*	Weekly Statement of Out-door and In-door Paupers for each Week of a Half-year	Books of 1 Quire, 6s.
„	Ditto, in Sheets	per Quire, 2s.
93a	Pocket Memorandum Book of Out-Relief and Flour distributed for Half-year	each, 2s.
93b	Voucher Lists	
93c	Statement of the Result of the Revision of the Out-door Relief Lists	per Quire, 2s.
93d	Form for Relieving Officers, for calculating the Number of In-door and Out-door Paupers in receipt of Relief each week of the Quarter, with Instructions for filling up the same.	each, 6s.
	In books for two years	

SCHED. B.

Forms

FORMS FOR THE CLERK.

11 to 19	See page 4	
94	Check Book of Admissions to the Workhouse	Books of 100, 1s.
95	Ditto, Discharges from ditto	
96	Letter Book	3 Quires, 10s.
96a	Ditto	4 „ 12s. 6d.
97	Rough Minute Book	3 Quires, 7s.
97a	Ditto	4 „ 8s. 6d.
99	Orders for Contribution. Form M.	per Quire, 1s. 3d.
100	Ditto	Books of 100, 2s.
101	Book for Registering Contribution Orders	each, 8s.
102	Guardians' Order for Payment of County Rates, 7 & 8 Vict. c. 33	per Quire, 1s. 6d.
103	Ditto Ditto	Books of 100, 4s.
* 104	Order on Treasurer to Pay, engraved	„ 100, 3s.
„	Ditto ditto, large	„ 100, 4s.
105	Book for Entering Orders of Removal, with Index	each, 8s.
106	Notices to Contract	per Quire, 2s.

* Plates for these Checks engraved to order, and printed on plain or tinted paper.

No. in Order.	Name and Description of Form.	Price.
FORMS FOR THE CLERK— <i>continued.</i>		
106a	Tender to Contract	per Quire, 3s.
107	Book for entering Notices of Motions by the Board of Guardians	each, 8s.
108	Skeleton Sheets for Minutes of Board	per Quire, 3s.
109	Tradesman's Invoice Book for one Quarter	each, 1s.
110	Form of Comparative Statement showing Increase and Decrease in In-Maintenance and Out-Relief	per Quire, 2s.
111	Annual Return of Lunatics	per Quire, 4s.
112	Form A.—Weekly Return to the Poor Law Inspector, for one, two, or three Workhouses	" 2s.
113	Ditto, in Books for 1 year	each, 7s.
	Ditto, in Books for 2 years	" 8s.
113a	Ditto, Mr. Farnall's Form	per Quire, 2s.
113b	Ditto ditto	{ Books of 1 year, 7s. " 2 years, 8s.
114	Foolscap Paper, with Heading for Correspondence with Poor Law Board	per Quire, 1s. 6d.
	Ditto, with Copper-plate Heading, to pattern (no charge for engraving plate)	1 Ream, 25s.
	Post ditto ditto ditto	1 Ream, 20s.
	Note ditto ditto ditto	1 Ream, 12s. 6d.
115	Book for Entry of Contracts	each, 8s.
116	Book for Entry of Loans to Paupers	" 6s.
117	Statement of Medical Officer's and Schoolmaster's and Schoolmistress's Salaries	per Quire, 3s.
118	Notice, Insane Person found	per 100, 4s.
119	Ditto, Child found	" 4s.
120	Blotting Cases, quarto	each, 2s. 6d.
120a	Ditto, foolscap	" 3s. 6d.
120b	Ditto, demy	" 5s.
121	Pocket Ledgers, roan	5s., with clasp 6d. extra.
122	Minute Book, for entering the Particulars of Out-Relief, granted to able-bodied Paupers	each, 8s.
123	Irremovable Poor.—Form of Joint Statement of a Case to be submitted to the Decision of the Poor Law Board, under 11 & 12 Vict. c. 110, s. 4	Settled by D. P. Fry, Esq. Barrister-at-Law, of the Poor Law Board.
123*	Form of Agreement submitting Case to Poor Law Board by Churchwardens and Overseers, 14 & 15 Vict. c. 105, s. 12	per Quire, 3s.
124	Union Clerk's Registry of Bastardy Orders, with Index	each, 7s.
125	Ledger, with Index, rough calf, for keeping the Account of Non-resident and Non-settled Poor, with full Instructions for filling up the same	5 Quires, 1l. 11s. 6d.
125a	Ditto, ditto, half-basil, extra	3 Quires, 16s.
126	Clerk's Quarterly Statement of Non-resident Poor, with Instructions for filling up the same	
127	Ditto, of Non-settled Poor, with Instructions for filling up the same	
128	Notice to Guardians of Pauper chargeable, and requesting Authority to relieve	per Quire, each, 2s.
129	Guardians' Request to relieve their Non-resident Poor	
130	Clerks' Quarterly Bill, for transmission by post, of Relief to Non-settled Poor	

No. in Order.	Name and Description of Form.	Price.
Preparatory Forms for the Compilation of Returns to the Poor Law Board;		
Drawn up by Mr. FREDERICK PURDY, the Principal of the Statistical Department of the Poor Law Board.		
131	Preparatory Form, for Annual Poor Rate Return	Books of 1 quire, 7s. 6d. " 2 " 10s. " 3 " 13s. per Quire, in Sheets, 4s.
131 a	Auxiliary Form, for Returns of Paupers 1st July and 1st January	
131 b	Subsidiary Form, for Weekly Return of Paupers (Form B.)	Books of 1 Quire, 7s. 6d. Per Quire, in Sheets, 4s.
131 c	Preliminary Form, for Return of In-maintenance and Out-door Relief, Michaelmas and Lady-day Half-year	
132	Clerk's Weekly Return of In-door and Out-door Paupers for each Week of the Quarter	Per Quire, 3s. Books for 2 years, 8s.
133	Blank Forms to be filled up in Cases of Application for Union or other Appointments. In sheets	Per Quire (48), 3s.
134	Form for calculating the Contribution to be paid by the Overseers of any Parish towards the Poor, Union, and other Charges, for the half-year ending—	Per Quire, 3s. Books of 1 quire, 5s. 2 " 7s. 3 " 8s. 6d.

Forms relative to Apprentices.

Settled by DANBY P. FRY, ESQ., Barrister-at-Law, of the Poor Law Board.

173	Register of Apprentices	each, 8s.
173 a	Register of Young Persons taken or hired as Servants or Apprentices from Workhouses (s. 3), with Index	Books of { 1 qr., 5s. 2 " 6s. 6d.
173 b	Notice to other Parishes or Unions of the Removal of Young Persons (s. 5)	per Quire (48), 3s.
173 c	Register of Notices of Servants and Apprentices received from other Unions or Parishes (s. 5) with Index	Books of { 1 qr., 5s. 2 " 6s. 6d.
173 d	Reports of Visits made to Servants and Apprentices (ss. 4 & 5), with Index	" { 1 qr., 5s. 12 " 6s. 6d.
174	Indenture of Apprenticeship, in accordance with the General Order for Regulating the Binding of Apprentices	Paper, each, 6d.
	Ditto, Ditto	Parchment, each, 2s.
175	Certificates and Proposals to be filled up, preparatory to binding, under the New Apprentice Order	per Quire, 3s.
176	Sea Service Parish Indenture, under 7 & 8 Vict. c. 112, s. 32, and 14 Vict. c. 93, s. 20	Parchment, 1s. 6d.
177	Notice before binding Apprentice	per Quire, each, 1s. 6d.
178	Notice after binding Apprentice	

No. in Order.	Name and Description of Form.	Price.
Vaccination Books and Forms.		
179	Summary of Returns for each Month for the Quarter ending —, reported by Vaccinators and Registrars of Births, etc., improved Form, showing the Number Vaccinated, the Successful Vaccinations, the Names of the Parishes in each District, and the amount of Fees charged to each Parish, books of 2 quires, each	s. d. 10 0
180	Vaccination Acts 3 & 4 Vict. c. 29, 4 & 5 Vict. c. 32, and 16 and 17 Vict. c. 100, in books each	0 6
181	NEW FORM of Notification, large Placard for Posting, prepared by Thomas Austin, Esq., of the Poor Law Board per 100	6 0
182	Ditto, small ditto for Circulation	2 6
183	Contract for Vaccination (for Unions) per quire	6 0
183 a	Ditto for Parish not in Union "	6 0
183 b	Ditto for Townships "	8 0
184	Register of Cases of Vaccination, in Books of 2 quires each	4 0
185	Monthly Return of Vaccination Cases per quire	2 6
186	Medical Certificate of Successful Vaccination, Schedule A, s. 4, in Books of 100 leaves each	1 6
187	Duplicate ditto, ditto, in Books of 100 leaves each	2 0
188	Quarterly Account of Vaccination Fees due to Medical Officer, per quire	2 0
189	Medical Certificate of Unfitness for Successful Vaccination, Schedule B, s. 5, in Books of 50 leaves each	1 6
190	Ditto of Insusceptibility to Receive the Vaccine Disease, Schedule D, s. 7, in Books of 50 leaves each	1 6
190 a	Statement of Fees due to the District Registrar for Vaccination for the Quarter ending — per quire	1 6
190 b	Notice of the Requirement of Vaccination per 100	6 0

Books and Forms required by the Registration Officers.

190 c	Superintendent Registrar's Claim for Fees upon entries in the certified Copies for the Quarter ending — per quire	s. d. 2 0
192	B.—Account of Returns made to Registrar-General for the Quarter ending —, half-sheet foolscap per quire	2 0
193	C.—Return of District Registrar to Superintendent Registrar of the Number of Births and Deaths, half-sheet foolscap per quire	2 0
193 a	Ditto, large size	4 0
194	D.—Return of Superintendent Registrar of every Licence granted by him, half-sheet foolscap per quire	2 0
194 a	Ditto, in Books of 2 quires each	8 0
195	E.—Account of Expenses due to the District Registrar for the Quarter ending —, half-sheet foolscap per quire	2 0
196	F.—Letters to Registrar-General to accompany the Returns of Births, Deaths, and Marriages each, per quire	1 3
197	G.—Extra large Covers to Registrar-General: Births, Deaths, and Marriages, 26 in. by 20 each, per quire	3 6
198	Index Books to Registers of (600 Entries) Births Deaths Marriages	1 3 1 3 1 9
The above may be had, with the Index cut through, at an extra charge of 1s. for each Book.		

No. in Order.	Name and Description of Form.	Price.
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BOOKS AND FORMS REQUIRED BY REGISTRATION OFFICERS—*continued.*

The Index Books may also be had printed on foolscap, and bound in green forril extra, and lettered :—

	5,000 Entries.		10,000 Entries.		15,000 Entries.		20,000 Entries.	
	s.	d.	s.	d.	s.	d.	s.	d.
Births	10	6	16	0	21	0	25	0
Deaths	10	6	16	0	21	0	25	0
Marriages	16	0	25	0	—	—	—	—

** The above may be had, with an Alphabet cut throughout to order, at an extra charge of 4s. 6d. for each Book.

199	Certificate Books of	{ Births Deaths Marriages	s. d. 1 3 1 3 1 3
200	Envelopes addressed to Registrar-General, for a sheet foolscap, per 100		4 0
200 a	Ditto ditto, for several sheets		5 0
201	Instructional Letter, as to Payments for Registration of Births, Deaths, etc.	each	0 2
202	Book for Entry of Registration Office Disbursements, etc., foolscap, each		8 0
203	Ditto ditto Fees	"	8 0
	Notice of Birth in the Workhouse	"	3 6
	Notice of Death in the Workhouse	"	3 6

REGISTER AND CERTIFICATE BOOKS FOR CHURCHES AND CHAPELS.

		Forril	Calf.	Printed on writing vellum, bound rough calf, lettered with clasps.
Register of Baptisms	{ The folios and Nos. printed throughout.	800 Entries	13s.	21s.
Register of Burials		1600 "	19s.	27s.
Register of Banns of		2400 "	25s.	33s.
Marriages		3200 "	32s.	40s.
		4000 "	39s.	46s.
Certificate Book of Baptisms, 25 Certificates				each
Ditto ditto Burials, 25 "				"
Ditto ditto Marriages, 25 "				"
Banns of Marriage Books, printed on extra thick laid demy 4to., bound in calf, and lettered				{ 300 Entries 7 0 600 " 12 0 1000 " 18 0

Election of Guardians under General Consolidated Order.

DATED JULY 24, 1847.

204	Owner's Statement. A.	per 100	s. d. 2 6
205	Appointment of Proxy. B.	"	2 6
206	Proxy's Statement. C.	"	2 6
		{ 500 Entries 3 0 1000 " 4 0 1500 " 5 0 2000 " 6 0 3000 " 8 0	
207	Registry of Owners and Proxies, in Books. D.		3 6
"	Ditto, in sheets	per quire	6 0
208	Notice of Election, sheet foolscap, large placard, A.	per 100	
"	Ditto, filled up to pattern, with Name of Union, Parishes, Number of Guardians, etc.		

No. in Order.	Name and Description of Form.	Price.
ELECTION OF GUARDIANS UNDER GENERAL CONSOLIDATED ORDER —continued.		
209	Ditto, half-sheet foolscap, small size, A. per 100	s. d. 3 6
"	Ditto, filled up to pattern, with Name of Union, Parishes, Number of Guardians, etc.	
210	Nomination Paper. B. per 100	2 6
211	Voting Paper. C. "	3 0
212	Notice to Guardians Elected. D. "	5 0
213	Return of Guardians Elected, placard. E. "	6 0
	Ditto, filled up to pattern, with Names of Persons proposed, Residences, Quality or Calling, etc.	
214	Poll Books for entering the Voting Papers each	2 0
215	Collectors of Voting Papers' Book "	0 8
216	Book for entering Qualification of Voters "	4 0
217	Notice of Objection by Owner to Claimant per 100	2 6
218	Ditto, ditto, to Clerk. "	2 6
219	Notice of Objection by Rate-payers to Claimant "	2 6
220	Ditto, ditto, to Clerk "	2 6
221	Notice to Owners and Rate-payers relative to Voting. per 25	1 0
222	Union Clerk's Notice of Revision "	1 0

FORMS FOR THE TREASURER.

223	Treasurer's Receipt and Payment Book. each	7 0
224	" Pass Book "	3 6
225	" Receipt Books of 100	1 0
226	" Receipt for County Rates " 100	1 0

UNION SCHOOL JOURNALS.

226a	School Admission and Discharge Book, with Index (Boys)	1 quire each 2 quires " 3 quires " 1 quire each 2 quires " 3 quires " 1 quire each 2 quires " 3 quires " 1 quire each 2 quires " 3 quires "	6 0 7 6 9 6 6 0 7 6 9 6 5 0 6 6 8 6 5 0 6 6 8 6
226b	Ditto ditto (Girls).		
226c	School Attendance Book (Boys).		
226d	Ditto ditto (Girls).		
235	The Schoolmaster's Journal, and Weekly and Quarterly Report Book, for one year, by John Dallenger, Esq.		10 6
236	The Schoolmistress's ditto, for ditto		10 6

Forms relating to Mendicancy.

238	Circular to Rate-payers per 100	6 0
239	Tickets for Relief per 1000	8 0
240	Notice to Wayfarers. per 100	4 0
241	Examination Papers per quire	2 0
242	Book for entry of Tickets received and issued	6 0

LIST OF BOOKS AND FORMS.

UNDER THE

UNION ASSESSMENT COMMITTEE ACT, 1862,

(25 & 26 VICT. c. 103).

SETTLED BY DANBY P. FRY, ESQ.

BARRISTER-AT-LAW, AND OF THE POOR LAW BOARD.

1. Minute Book, 5 quires, superfine foolscap, bound in rough calf, and lettered "Assessment Committee," with the name of Union	s. d.	16 0
Ditto, foolscap, 3 quires, half-bound, lettered ditto		8 0
Ditto, superfine demy, 5 quires, rough calf, lettered ditto		21 0
2. Valuation Lists, in books of 1 qr. 7s. 6d.; 2 qrs. 10s.; 3 qrs.		12 0
Ditto ditto in sheets, per quire		3 0
3. Notice of Ordinary Meeting of Assessment Committee, printed with the name of Union, etc.		7 6
3a. " of Adjourned Ditto ditto ditto		7 6
4. " of Deposit of Valuation List	per quire	1 6
4a. " from Committee to Overseers to prepare Valuation Lists	ditto	2 0
5. " of Objections to Valuation List by Overseers	ditto	3 0
5a. " Ditto ditto by other Persons	ditto	3 0
6. " of Meeting to hear Objections.	ditto	1 6
6a. " Ditto, ditto, to be published by Overseers	ditto	1 6
7a. " convening Vestry Meeting (Sect. 32)	ditto	1 6
7b. " to Overseers of other Parish (Sect. 32)	ditto	3 0
7c. " to the Guardians of the Union (Sect. 32)	ditto	3 0
8. Union Summary of Valuation Lists, for Statement of Contributions to Common Fund	in books of 1 quire	6 0
9. Calling for Returns, etc., as to Taxes, Rates, and Valuations (Sect. 13)	per quire	3 0
10. Requiring Attendance of Persons, with Rate Books, etc. (Sect. 13)	"	1 6
11. Enlarging the Time for making the first Valuation Lists	"	1 6
12. Directing Overseers to revise existing or to make New Valuation (Sect. 16)	"	3 0
13. Appointing Person to make or revise Valuation, and to make Valuation List, instead of Overseers	"	2 0
13a. Appointing Person to Survey and Value Hereditaments (Sect. 20).	"	3 0
14. Directing New Valuation, and New or Supplemental Valuation List, to be made by Overseers (Sect. 26)	"	3 0
15. Appointing Person to make New Valuation, and New or Supplemental Valuation List, instead of Overseers	"	3 0

UNION ASSESSMENT COMMITTEE ACT FORMS—*continued*.

<i>Other Forms, under Sect. 26.</i>		s.	d.
16. Contract for Valuation and List	per quire	6	0
17. Application to Committee by Person aggrieved	„	3	0
18. Application by Committee for Guardians' Consent	„	3	0
19. Notice to every Guardian of such Application	„	3	0
20. Notification to Committee of Guardians' Consent	„	3	0

<i>Other Forms, under Sect. 16.</i>		s.	d.
21. Application for Guardians' Consent to Appointment of Valuer	„	2	0
22. Notice to every Guardian of such Application	„	2	0
23. Notification to Committee of Guardians' Consent	„	2	0
24. Contract with Valuer	„	6	0

<i>Other Forms, under Sect. 20.</i>		s.	d.
25. Application for Guardians' Consent to Appointment of Surveyor and Valuer	„	3	0
26. Notice to every Guardian	„	3	0
27. Notification to Committee	„	3	0
28. Contract with Surveyor and Valuer	„	6	0

<i>Proceedings for Penalties, under Sect. 40.</i>		s.	d.
29. Summons	„	1	6
30. Conviction (Distress—Imprisonment)	„	1	6
31. Ditto (Imprisonment—without Distress)	„	1	6

On a Sheet, price 1s. each, or 10s. per Dozen, sent free by Post on receipt of Postage Stamps,

THE ASSESSMENT CALCULATOR,

For the use of Assessors under the Union Assessment Act, Chairmen of Assessment Committees, Clerks to Guardians, Overseers and Assistant Overseers, Owners of Rateable Property, etc.;

A SET OF TABLES,

Prepared by JAMES INSKIPP,

Showing at once the RATEABLE VALUE, after deduction at $2\frac{1}{2}$, 5, $7\frac{1}{2}$, 10, $12\frac{1}{2}$, 15, or 20 per cent. from the Gross Estimated Rental, on Rentals from £1 to £2,000.

All Persons requiring aid for rapid Calculations on Estimated Property will find the above Tables indispensable.

No. in Order.	Name and Description of Form,	Price.
Forms under the Parochial Assessment Act.		
243	Circular to Guardians on the Parochial Assessment Act	each 0 3
244	Book for entering the Valuation of Messuages, Lands, etc.	<div> 1 quire 7 6. 2 quires 10 0 3 quires 12 0 </div>
245	Contract for Survey, Plan and Valuation	per quire 6 0
246	Ditto, ditto, No. 2	per quire 6 0
247	Ditto, ditto, for Valuation without Plan	per quire 6 0
248	Memorandum, Contract for Survey, etc.	per quire 2 0
249	Circular relative to Expenses for Valuations, Maps, etc..	each 0 3

BONDS AND CONTRACTS.

1	Contract for Supplying Provisions or Providing Clothing for the Poor or Workhouse	
2	Contractor's Bond, Securities	
3	Contract for Building, Altering, or Enlarging Workhouse	
5	Workhouse Master's Bond	
6	Workhouse Matron's Bond	
7	Workhouse Medical Officer's Contract	
8	District Medical Officer's Contract, at an Annual Salary	per Quire,
9	District Medical Officer's Contract, at a Salary calculated per head	6s.
10	Treasurer's Bond	or separately,
11	Relieving Officer's Bond	4d. each.
12	Collecting Officer's Bond	
13	Contract for Altering or Enlarging Workhouse—Charge on Rates	
14	Ditto, Building ditto, ditto	
15	Deed: Charge on Rates, "Union to Parish"	
16	Bond for Assistant Overseers	
17	Bond for Assistant Overseer and Collector, in one	
18	Clerk's Bond	each 6d.
Overseer's Warrant: to which is appended Instructions in the proper discharge of his Duties. By W. C. GLEN, Esq., Barrister-at-Law. On foolscap paper, containing sixteen pages of double columns, closely printed		1s. 6d. each, or 15s. per dozen.
Assistant Overseer's Ditto ditto		

MEMORANDUM RELATING TO THE WORKHOUSE PROVISION BOOKS,

Forms (C.) 25 & 26; 27, 28 & 29.

Messrs. KNIGHT & COMPANY beg to announce that, with a view to the diminution of labour, they are prepared to have the several Articles required by the DIETARY TABLE, printed in the above Forms, instead of being written, in all cases where it may be required, and could, in the course of a few days, have the Books got ready for any Union, on being furnished with pattern sheets, drawn out in accordance with the Dietary in use by the Union. Blank Forms for this purpose may be obtained, if required.